Public (1929) Department

Mis. SERIES

G.O. No. 83

Secret

DATED 25-1-1929

Confidential

[Despatch Abstract.]

Publication - Tamil booklet entitled "the National Songs, II" by C.Subrahmanya Bharathi - Forfeiture - Cancellation Burma Government's notification republished.

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர் வே. சுப்பிரமணியன்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 2-2006

செப்பனிட்டு முடித்த நாள் 5-2006

சரிபார்க்கும் முதல் மு. நி. பா. எ. கையொப்பம்

கையொப்பம்

DEPARTMENT. C.F. 30—10,000

CURRENT NO. 3758 PUBLIC

Received .... 192 . Registered .... 192 .

Subject.

UNDER SECRETARY 10 OCT 1928 CHIEF SECRETARIAT

INCLOSURES.
Copies

19648.

Crl.R.C. No. 814 of 1928

Station Madras, Dated the 9th October 1928.

From (Name) A.C. Happell Esq., I.C.S.,

(Designation) Registrar, High Court of Judicature, Madras.

To The Chief Secretary to the Government of Madras,

Fort St. George Department.

Sir,

Notice of Hearing of application to set aside the order of forfeiture of books

---

Under rule 9, of the forfeited (or proscribed) publication [ru]les framed by the High Court, for regulating the procee[dure in] regard to applications under Section 99B of the Code of [Cr]iminal Procedure, I have the honour to forward herewith [d]uplicate copies of the petition and exhibits, with translatio[n] and 2 booklets National Songs Part I and II, and to state [t]hat the above petition will be heard on Wednesday the 17th October 1928 at 10-45 A.M. in the High Court by a bench of

3 Judges constituted under Section 99(c) of the Code

Criminal Procedure.

I have the honour to be

Sir,

Your most obedient serva

[signature]

REGISTRAR.

AR
9/10

3 3

3

Memorandum of Criminal Revision Petition.

Under Section 99-B of the Criminal Procedure Code.

In the High Court of Judicature at Madras.

In its Revisional Criminal Jurisdiction.

In its Special Bench constituted under Section 99 ØØ (C) of the Code of Criminal Procedure.

Criminal Revision Case No. 814 of 1928.

In the matter of
'The National Songs' Parts I and II
of
C. Subramania Bharathi.

Harihara Sarma. Petitioner.

1. The petitioner above named states as follows:

2. The petitioner is the superintendant of the Hindi Prachar Press at Triplicane, Madras and His address for service all notices and processes is that of his advocates Messrs K. Bhashyam ----- Iyengar and S. Krishna Iyer at No. 31 Law, Chambers, High Court Buildings, Madras.

3. The petitioner is the printer and publisher of the booklets in tamil entitled "the national -- songs" of C. Subramania Bharathi Parts I and II.

4. In proof of such interest the petitioner files herewith documents marked as Exhibit B and also states, that the songs contained in the said books were composed by C. Subramania Bharathi ---- during the twenty three years and more before his death in 1921 and they have been published from time to time in

p 12 ult

small booklets. After the death of the said ---- Subramania Bharathi in 1921, all the songs were collected together and published in the form of books by his wife Chellammal; and under an ----- arrangement in writing with the said Chellammal dated 2?-1-1925 (translation of which and copies of the same are filed herewith and marked as --- Exhibit B) the petitioner published a second and third edition of the first part and second edition of the second part of the said books. Though the arrangement was originally for 3 years the same arrangement has been continuing and continues even now by a further agreement between the --- parties. The petitioner therefore submits that he has substantial pecuniary interest in the said --- publication.

5. As such publisher the petitioner was in -- possession of about 2420 copies of the said books, worth about 2420 Rupees, for sale in his office of the Hindi Prachar Press.

6. On the 20th September 1928 a Police Officer by name Mr. Doraiswami Pillai along with some ---- constables entered the petitioner's office at the above said premises with a warrant for search of the said premises and seized all copies of the said book on the ground that the said books had been forfeited to His Majesty by a notification of the Government of Burma under Section 99 -A of the Cr. P. C. No order was then served upon the petitioner; but he had to submit to the seizure by the Police Officer and so delivered the above ----- mentioned copies in his possession. Subsequently copies of the order were obtained from the Chief

Presidency Magistrate's Court and are filed herewith and marked as Exhibits A and A-1.along with copies of the same.

7. The petitioner learns from further inquiry that the Government of Burma had issued a notification dated 7th August 1928 which had been ------ published in the Local Fort St. George Gazette dated 11th September 1928 on page 1547 of part 1. The petitioner begs to append herewith a copy of the --- said notification.

8. The petitioner submits , that the order of forfeiture is illegal and ultra vires, as it does not state the grounds for the opinion of the ---- Government of Burma that the books contain seditious matter coming under section 124-A of the I. P. C.

9. The order is too vague and general and ---- does not specify the songs or passages which are ---- alleged to be seditious. The order is therefore -- illegal and liable to be set aside.

10. Th e petitioner states that the said books do not contain any seditious mat er; the songs --- contained in the said books had been in vogue for the last 30 years and very popular in the tamil part of this Presidency and large number of copies of the said publication have been sold from time to time to the public, so much so, copies of the said books are to be found in almost every household, in the Tamil districts of the Presidency.

11. The petitioner further states that the Local Government of Madras has not taken till now any action in respect of the said publication on the ground that it contains seditious matter.

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6

----- 4 -----

On the contrary, the petitioner is informed and believes the same to be true that the Local ----- Government of Madras is favourably considering the introduction of the said books into the education cariculla of schools under its control.

It is understood from Law Govt that these books have not been introduced in any public schools, but that they have received a question

12. The petitioner therefore submits that the above facts are conclusive to show that the -------- publication does not offend against Section 124, A-- I.P.C.

Copy not ... E / p1

13. The petitioner has been seriously prejudiced by the omission in the order of Government to state the grounds of its opinion and is therefore unable to answer with the full particulars to this notification.

14. The petitioner submits herewith for -------- reference two sets of copies of the said books which are in Tamil and he prays that the same ~~are~~ or such parts thereof as may be required by the Government to justify its order and such parts as may be -------- required by the petitioner may be translated by the Court into English through the Court Interpreters or ~~Interpretation~~ translators.

15. The petitioner therefore prays that this Honourable Court may be pleased to set aside the said order of forfeiture.

(Sd) E. Krishnan
Advocate for petitioner.

(Sd) Harihara Sarma
Petitioner.

I, Harihara Sarma, the petitioner above named state that the facts mentioned in paras 1 to 10 are true to my knowledge and those in paras 12 to 15 are true to my information and belief.

(Sd) Harihara Sarma.
Petitioner.

Dated this day of October 19..

High Court,

Madras.

Revl. Crl. Jurisdiction.

HIGH COURT OF ...
- 6 OCT 1928
MADRAS

Crl. Rev. Case. No. of 1928.

In the matter of
'The National Songs'
Parts I and II
of
C. Subramania Bharathi.

Petition of

Harihara Sarma.

Messrs. K. Bhashyam Iyengar and
K. Krishna Iyer,

Advocates for the Petitioner.

8

5

FORT ST. GEORGE GAZETTE.
PAGE 1347

FORT ST. GEORGE, September 3, 1 9 2 8.
(G.O. Mis. No. 739, Public).

No. 357:- The following notification of the Government of Burma is republished:-

Police Department:
Rangoon, the 7th August 19[illegible]

No. 178:- In exercise of the pow[illegible] conferred b[illegible] Section 99- A of the Code of Criminal Procedure, 1898, the Governor in Council hereby declaresto be forfeited to his Majesty all copies, wherever found, of the booklet in Tamil, entitled 'The Natio[illegible] I and II,' composed and published by [illegible] Bharathi, in the Bharathi's Asramam [illegible] Madras, on the ground that it contai[illegible] matter, the publication of which is punishable [illegible] section 124-A of the Indian Penal Code, as [illegible] excite disaffection towards the Government [illegible] by law in British India.

Copy of the Notification
in the Fort St. George
Gazette

Messrs. K. Bhashyam
Iyengar
E. Krishna Iyer
Advocates for Plff

9

In the Court of the Chief Presidency Magistrate, Egmore
Application No. 5378 of 1928.

Sir,

I beg to submit that under notification G.O. No. 739 Mis. Public dated 7th August 1928 of the Local Government Burmah, republished by the Local Government of Madras in the Fort Saint George, Gazette dated 11th September 28. The booklets styled "The National Songs" Part I & II by C. Subramania Bharathi have been forfeited to His Majesty under section 99 A of Cr. P. Code. I request this Honourable court to issue a warrant authorizing me to enter upon and search for the same in (1) Hindi Prachar Press Triplicane (2) Bharathi Ashram, Talyari Street (3) N. Dandapani Co., Triplicane Esplanade, where such booklets are reasonably suspected to be stored.

(Sd.) M. Saptar Hussain

Inspector I.D.

ORDER.

Issue search warrants for the search and seizure of the "National Songs" Part I & II composed C. Subramania Bharathi by entering into the Hindi Parachar Press Triplicane (2) Bharati Ashram (3) N. Dandapani & Co.;

(Sd.) Abbas Ali

Ag. Chief Presidency Magistrate

20-9-1928

(True Copy)

Chief Clerk

Copy
A-1

In the Court of the Chief
Presidency Magistrate,
Egmore, Madras.

Application No. 5378.

Copy of Exhibit A-1

COURT OF ... MADRAS
6 OCT 1928

of order for issue.
copy of the search and seizure
warrant

Messrs K. Bhashyam
Esquire
C. Krishna Esq
Advocates for Petr

10 10 8

In the Chief Presidency Magistrates' Court, Egmore, Madras
Copy of Search warrant in Application No.5378 of 1928
Search warrant
(Under section 96 of the Criminal Procedure Code)
In the Presidency Magistrates' Court, Egmore, Madras
Application No. 5378 of 1928

To

Md. Sabdar Hussain Saib, Inspector I.D. Department.

Whereas compalaint has been made before me of the possession undermentioned of proscribed booklets and it has been made to appear to me that the production of the copies of the said booklets is essential to the inquiry now being made into the said offence.

This is to authorize and require you to search for the said booklets in the Hindi Prachar Press Triplicane and, if found, to produce the same forthwith before this Court, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the court, this 20th day of September 1928.

(Sd.) Abbas Ali
Ag. Chief Presidency Magistrate
20-9-28

X

The booklets namely Bharathy national songs Parts I & II composed and published by C. Subramnia Bharathy

------

S.I. Doraiswami Pillai for execution.

(Sd.) M. Sabthar Hussain
Inspector I.D.
20-9-28

Sir,

Executed and the articles seized are herewith with the search list.

(Sd.) Doraiswami
S.I. I.D.
20-9-28.

Submitted

(Sd.) M. Sabthar Hussain
Inspector I.D.
20-9-28.

Copy

Copy of Exhibit A.

In the
Chief Presidency Magistrates' Court,
Egmore, M A D R A S.

Application No. 5378 of 1926.

Copy of Search and Seizure warrant.

Messrs. K. Bhashyam Iyengar
by
E. Krishna Iyer
Advocates [illegible]

29th January, 1923, The Deed of Authority executed by Chellamma Bharathi, wife of C. Subramania Bharathi, residing at No. 23, Big Street, Triplicane, to Harihara-sarma, son of Venkatakrishna Iyer, residing at No. 53 - 54 Big Street, Triplicane.

As I am not able to print and publish the manuscripts of my husband you shall make all arrangements for all the work connected with the printing and publishing and sale of the same for three years from this day. You mmx may take also the books of the 2nd part from C. Muniswami Naidu and Sons. You may also take the books of the second part that are with me and do the further work. I agree to receive Rs. 25/- per mensem for my expenses and on taking accounts every year to divide (or share) out of the profits one third for my expenses, one third for further publishing the works and one third for other expenses. I shall adjust to my share the amount that I receive per month. Meanwhile I shall not interfere with or hamper in any way in the work in respect of the books. As regards the looking into accounts, I shall abide by what Mr. S. Duraiswami Iyer of Mukkathal Street, Purasawaulkum and Mr. Ethiraj Surendranath Arya of Shankara Vilas, Mmmp Vepery say in the matter.

Written by G.V. Natesa Iyer,
2/1, Alankathal Pillai Street,
Triplicane.

(Sd.) Chellamma Bharathi.

High Cou[rt]

Madras.

Crl R.C. No. 814 of 1928.

In the matter of 'THE NATIONAL SONGS PARTS I & II OF C. SUBRAMANIA BHARATHI.'

HIGH COURT OF ... MADRAS
-6 OCT 1928

True Translation of Exhibit B. referred to in the Petition.

Messrs. K. Bhashyam Iyengar
and K. Krishna Iyer,
Advocates for Petitioner.

13

13

Public Department

11

Memo No 3758-1 Pub & 12-10-28

Books & publications- Subramanya Bharathi's National Songs, Parts I & II- Forfeiture- Appln. under Sec.99B-Cr.P.C.

E / P 1

The Govt of Burma in their Police Dept notification No. 178 dated 7-8-1928 (copy enclosed) issued an order of forfeiture under Sec. 99A Cr.P.C. in respect of Tamil booklet entitled 'National Songs, Parts I & II' by C. Subramanya Bharathi. A copy of English translations of the specific passages to which that Govt took exception is also enclosed. (See annexure I) The above notification was republished in the Fort St.George Gazette with reference to G.O.No. 739 Pub. dated 3-9-28 (copy enclosed).

E / M 2-3

E / P 4

2. On an application made by an Inspector of the City Police Intelligence Dept. the Chief Presidency Magistrate, on 20-9-[illegible] issued a warrant for the search and seizure of copies of the above booklet in the [illegible] Prachar Press at Triplicane. The same day the Police made a search and seized all copies found. See specification in Annexure II

p 9 CF

p 10 CF

Is:

[illegible] p 4 Po 973 / 1.11.28 (R)

& A on p 5 (R)

3. ~~Mr. Narihara Sarma~~, Supt. of the Hindi Prachar Press has now filed/in the High Court of Madras an application under Sec. 99 B Cr.P.C. ~~in the High Court of Madras~~ against the said order of forfeiture. It has been posted for hearing on 17-10-1928 at 10.45 a.m. before a bench of 3 judges constituted under Sec. 99 C. Cr.P.C. — H 3-6 CF — pp 1-2 CF

4. As the order of forfeiture in question was initiated by the Govt. of Burma they are being addressed for instructions as to the conduct of the case. ~~Pending receipt of their reply~~ This Govt. ~~cannot~~ wish to have their reply before deciding on the attitude to be taken up in regard to the application. The Crown Prosecutor is requested to represent the above facts to the High Court at once and to move them for an adjournment of the case ~~to~~ for a ~~sufficiently distant date~~ month. — E/p1

Annexure I

(H.E. pp. 2-3 of G.O. 739 Pub /28) E

Annexure II

(H.E portion marked A on p.5 c.f linked file)

Since disposed of by G.O. 973 Pub 8 1-11-28 (R)

12.10.28 12.10.28

To the Crown Prosecutor
with copies of .-
1. G.O. 739 Pub of 28
2. Notfn on p.1 ibid
3. Pages 3-8 & 9-12 c.f

15

15

Public Department

Telegram- Express 12

PC + Telegram
Dep No 8
12-10-28

To the Chief Secy. to the Govt of Burma

Home and Political Department

E
K.I.

Reference your Police Department Notification No. 178 (dated) 7th August (1928) regarding forfeiture (of) Subramanya Bharathi's Tamil booklet National Songs, Parts I and II AAA. Public indignant AAA Questions and adjournment motion in (the) local Legislative Council AAA Local publisher has filed an application under section 99B Criminal Procedure Code in (the) Madras High Court AAA Date of hearing 17th instant AAA Please wire detailed instructions with reference to conduct of (the) case.

x See cuttings at pp 18-33 g R

r. p. 972 / 7.11.28 (F)

pp 3-6 cf

pp 1-2 cf

para 3 p 2 NF

12.10.28

Post copy to go

RK
12-10-28

Dem. 18- 10- 28

16

Public Department

13

Special.

Memo 3758-2 Pub of 13-10-1928

Books and publications- Subramanya Bharathi's 'National Songs, Parts I and II'- Forfeiture.

The Govt. of Burma have issued an order of forfeiture under Section 99 A Cr.P.C. in respect of a Tamil booklet entitled 'National Songs, Parts I and II' by C. Subramanya Bharathi. Copies of the two volumes, as also a copy of English translations of the specific passages to which that Govt. took exception are enclosed for reference and return.

2 The Senior Translator to Govt. is requested to furnish Govt., at a very early date, in any case not later than 25- 10- 1928, with an authorised English translation of the poems in which the passages referred to occur.

3 He is also requested to have the booklet examined critically and to send translations of any other poems which contain passages of an objectionable nature.

Dpd. by ~~Van~~ ~~Post~~ Messenger with 2 books + encls
Dpr's. initl. MRS
Date 13/10/1928
HPM

To the Senior Translator to Govt.
(with National Songs Parts I & II and a copy of pp. 2-8 of G.O.739 Pub. d/ 3-9-28)

2K
13.10.28

13.10.28

Rem. 25- 10- 28

17.

17 / 14

Sent.

Tmy. 12.10.28

Confidential

Fort St George,

12.10t.1928

Memorandum No. 239-S

Books & Publications...Bharathi's Songs..

No more seizures of the above books should be made till further orders. These orders will be issued when the proceedings before the High Court are over.

(By Order)

Under Secretary to Government

The Commissioner of Police, Madras.

The DIG of Police, C.I.D.

18 15 18

C. X RA POSTS TELEGRAPHS. 35

NOTICE

This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

Office Stamp. MYLAPORE TEL. 15 OCT. 28

UNDER SECRETARY ... OCT. 1928 ... SECRETARIAT

Sh 38

Handed in at (Office of Origin.)	Date.	Hour.	Minute.	Service Instructions.	Words.
Maymyo	15	17	5	Sh TC	23

Recd. here at H. M.

To Resonable Radical Adyar X

YCCTUCIPWU YWACTSWED
UDTUFSAWYD FIXLUUKAY
NULTEOHOOS WA... DYCCT
CIPWUXY.BUZ NYACCYMZA
ALZYHNDJYF UFPYDAEPA
SWEDUCEBEE IDIPHEASPE
AOSAJODEG
CEJOMEPRIY
ResS

N.B.—The name of the Sender, if telegraphed, is written after the text.
Rain Bux Bros., Printers, Calcutta—1006 (B-155)—18-1-28—25,000 Bks.

9 19 16

Telegram from the xxxxxxxxxxxxxxxxxxx Chief Secretary to the Government of Burma to the Chief Secretary to the Government of Madras, Madras, No.289 C. dated 15th October 1928.

---

p 15 ante

& See E / Pp 2-3

E / p 1.

Your telegram dated October 12th. This Government sent copy of the English translation & of the objectionable part with my 289 C.28 of the 16th August and has nothing further to add. Burma Government consider that the application should be opposed in the High Court, but have no detailed instructions to give.

Memo. No 3758-3 Pub d 16.10.28.

Books & Pubns &c.

p 16 ante This Govt's memo 3758-2-Pub /13.10.28

The Senior Transl. is requested to supply immedy the translations asked for in § 2 of the above memo & the further infn. asked for in § 3 of that memo as soon afterwards as poss.

[illegible] / 16.10.28

Tpd. by Messenger
Upr's initials [illegible]
Date 16/10 1928

To the Senior Translator to Govt

20

C.F. 30—10,000—7-8-28.

Public DEPARTMENT.

385

17

Received ...... 192 . Registered 192

17 OCT. 1928

Subject

Govt. Memorandum No. 3758/-1, Public, dated 12-10-1928.

Forfeiture of "Bharathy's songs"

11 13-14 anh

ENCLOSURES.

No. Nil

Spare copies

No.

Station Madras , Dated the 16th October 1928.

From (Name) K.P.M. Menon Esq., B.A., Bar-at-Law,

(Designation) Crown Prosecutor, Madras.

To The Chief Secretary to the Government of Madras,

Public Department.

Fort St. George, Madras.

Sir,

11 13-14 anh

Refce.- Govt. Memo No. 3758-1, Public, dated 12-10-28.
Forfeiture of "Bharathy's songs"

Instead of waiting for the Special Bench to sit tomorrow, and then making a motion for adjournment before it, (which, if opposed, may not be granted), I have to-day with the consent of the Advocate for the opposite party, got the hearing of the case postponed to the 31st inst. If within that time the Madras Government does not get the expected (x) instructions from the Burma Government, I hope to induce the said Advocate to consent to another adjournment.

(x) Since received - See p. 19 anh

I have the honour to be,
Sir,
Your most obedient servant,

K P M Menon

Crown Pro[secutor]

21

21

I. No. 669-2.

Enclosures:- Two books and two translations. 18

Note for the Senior Translator to Government.

Reference:- Memorandum No. 3758-3, Public, dated the 16th Instant.

True translations in English of the poems, in which the passages referred to by the Government of Burma occur, are herewith furnished for favour of being submitted to Government. The matter within brackets in the translations has nothing corresponding to it in the Tamil original but has been introduced to make the context intelligible.

2. Copies of the Tamil booklet entitled 'National Songs, Parts I & II' by Subrahmanya Bharati, as also the copy of the English translation of the passages referred to above, received with Memorandum No. 3758-2, Public, dated the 13th Idem, are returned herewith as desired.

Madras,
18th October 1928.

Tamil Translator to Government.

No. 1271

Forwarded to the Chief Secretary to Government, Public Department.

Madras,
18th October 1928.

B. Rama Rau
Senior Translator to Government.

22

22

19

* Swadesa Gitangal.

Part I

by

C. Subrahmanya Bharati.

Song I

✗ Vande Mataram.

Pages 1-2. We will say Vande Mataram. We will say that we will worship our Mother, the great (Bharata) land.

- (We will etc.)

Stanza 1. We will make no difference of caste or creed - It is all the same whether the human beings born ~~human beings~~ in this country are Brahmans or whether they belong to other castes.

- (We will etc.)

" 2. Are not even low-born Pariahs persons who live here with us?

Can they be deemed to be Chinese?✗- Will they cause several evils like the people of other countries?

- (We will etc.)

" 3. There are a thousand castes here - ~~What~~ What justification is there for foreigners to come in on this account?

Are not those, who are born of the same mother, brothers, even though they may quarrel amongst themselves?

- (We will etc.)

- -

* 'National Songs'.

✗ Literally, 'I bow to thee, Mother'.

✗ Evidently, 'foreigners'.

Stanza 4. Indeed, we will be prosperous, if (we are) united - If union disappears among us, it will certainly result in degradation to all (of us).

This should be understood well - If this (truth) is realised, what else do we require?

- (We will etc.)

" 5. Whatever position (we) may attain, that status will be common to us all.

We will prosper, all the thirty crores (of us) - If (we) fall, we will fall, all the thirty crores (of us).

- (We will etc.)

" 6. Let (us) be ashamed now of the days that were spent in the past, when (we) cherished mean --- slavish service; and, in order to get rid of the past degradation, let (us) spurn in contempt this lot of slavery and say Vande Mataram.

Sudandira Pallu.*

Pages 36-38. We shall dance and sing songs that we have attained joyous liberty.

- (We shall etc.)

Stanza 1. The time is indeed past when the Brahman was called sire.

The time is also past when the white Feringhi was called dorai.

The time is also past when obeisance was made to those that receive alms.

---

* 'Song on liberty'.

Stanza 1. The time is also past when service was rendered to those that dupe us.

- (We shall etc.)

" 2. The talk everywhere is about liberty.

It has been established that all of us are equals.

We shall sound (our) victory by means of the chank.

We shall proclaim this to the whole world.

- (We shall etc.)

" 3. The time has indeed come when all will be deemed to be equals.

The time has come when falsehood and --- deception will disappear.

The time has now come when good men will be deemed to be great men.

Destruction surely awaits the bad persons that practise fraud under the guise of friendship.

- (We shall etc.)

" 4. We shall adore agriculture and industry.

We shall censure those that revel in eating and spending their time idly.

We shall not perish, watering the reed-grass.

We shall not toil hard for the sake of idle fellows who do not work at all and thereby tire ourselves.

- (We shall etc.)

" 5. We have understood that the land we live in is our own.

We have (also) understood that it belongs only to us.

We will no longer slave for any one on this earth.

Stanza 5. We will live rendering service only to the Omnipresent Being.

- (We shall etc.)

Pages 60-61.

Bharata Samuthayam.*

May the Bharata society prosper! - May the Bharata society prosper! - May (it) be victorious -

- (May the Bharata etc.)

(It is) a property common to the whole ~~community~~ society consisting of thirty crores of people.

(This) unique society is a wonder to the world - May (it) prosper!

- (May the Bharata etc.)

Stanza 1. Will the practice of (certain) people depriving others of (their) food prevail hereafter?

Will a life wherein (certain) people (calmly) look at the sufferings of others be led hereafter? - Will a life devoid of senses be led hereafter? - Will such a life be led by us hereafter?

(This is) a great country containing innumerable delightful gardens and extensive fields.

This is a country yielding fruits, esculent roots and grains in great abundance - This is a country yielding (them) in great abundance - (This is) a country yielding (them) in great abundance day after day.

- (May the Bharata etc.)

---

* 'Society'.

Stanza 2. We shall make a rule henceforth - We shall maintain it always.

If a single individual is denied food, we will destroy the universe - May (it) prosper!

- (May the Bharata etc.)

" 3. Lord Krishna said: "I am existing in every living being".

India will teach to the world the excellent method by which all can attain the position of the celestials: Yes, India will teach (this) to the world. Yes, yes, India will teach (this) to the world - May (it) prosper!

- (May the Bharata etc.)

" 4. All (of us) are of one family. All (of us) are of one class. All (of us) are the children of India. All (of us) are of one standard. All (of us) are of one value. All (of us) are the kings of this country - All of us are the kings of this --- country - Yes, all (of us) are the kings of this country - May (it) prosper!

- (May the Bharata etc.)

----

ges 70-71. A slave rendering menial service.

The words addressed by an English official to an inhabitant of the land of Bharata who asked for swaraj.

Stanza 1. (You are) a slave doing menial service - Can you think of liberty, you fellow?

Have (you) had (it) in the past? - Do you deserve it?

- (You are etc.)

Stanza 2. Have (your) caste disputes disappeared? - Have your religious quarrels ceased?

You have come to preach justice - You fellow, (you are) unfit to stand before (my) eyes. Get away.

- (You are etc.)

" 3. Have you lost (all) fear? - Slave! Have you become manly (now)?

Have you given up cherishing the desire for living by begging?

- (You are etc.)

" 4. Will you go on board the steamer? - Slave! Will you cross the seas?

Slave! Can a dog, which likes a dunghill, aspire to a royal seat?

- (You are etc.)

" 5. Have you learnt to become united? - Slave! Have (you) got strength in (your) body?

Do not utter vain words - Slave! Do you know what valour is?

- (You are etc.)

" 6. Will you live in union? Have your petty characteristics disappeared?

Have (you) ceased to droop in despondency? - Have you blotted out your laziness?

- (You are etc.)

" 7. Have you given up trembling with fear at sight of the white colour?

Listen, I will tell (you) the truth - You cannot have liberty! (So) forget (it), you fellow!

- (you are etc.)

Stanza 8. Have you the least knowledge of defending the country?

Go (and) guard (your) house - Go and attend to (your) slavish work, you fellow!

- (You are etc.)

" 9. Can you lead an army? - Will you not desire to do menial service?

It is only low occupations that will suit you best. (So) get away, you fellow!

- (You are etc.)

The words addressed by an Englishman to a patriot.

Pages 76-77, Stanza 1. You have established the desire for liberty throughout the country - You have kindled the fire.

I will afflict, restrain and clap you in jail - I will exhibit (my) power.

- (You have etc.)

" 2. You have assembled together and cried Vandé Mataram - You have reviled us.

You have steered ships only with the idea that we should take to our heels - You have (thereby) amassed wealth.

- (You have etc.)

" 3. You have stated the truth to the people who are cowardly - You have transgressed the law.

You have mocked (at people) saying that it is degrading (on their part) to die here in an impoverished condition - You have spoken (words of) valour.

- (You have etc.)

Stanza 4. You have made men of slavish eunuchs - You have put an end to (their) low condition.

You have redeemed those that were content with (their) poverty (from their low position) - You have instilled desire (in their minds).

- (You have etc.)

" 5. You have roused those that took to service alone for (their) occupation - You have sought fame.

You have shown the ways for learning all sorts of avocations - You have (thereby) dispelled langour.

- (You have etc.)

" 6. You have induced this desire for swaraj everywhere - You have sown (its) seeds.

Is a small rabbit to do the work that is to be done by a lion? - Are you to prosper?

- (You have etc.)

" 7. I will order (you) to be shot down, so that (people) may gain good sense - I will stab and kill (you).

Are there any persons to contradict (me)? - I will cast (you) into prison - I will wreak vengeance (on you).

- (You have etc.)

Sur VI

The reply of the patriot to the Englishman.

Pages 77-78, Stanza 1. We will not die, rendering only slavish service to foreigners in (our) own land - We will not fear hereafter.

Stanza 1. Will these acts of injustice be approved in any country whatever? - Will Providence tolerate (these)?

" 2. Until life becomes extinct (in us), we will praise (Mother) by saying Vandé Mataram - We will bow (to Her).

Is it degrading (to us) to praise our Mother, who is as dear (to us) as life? - Is it shameful?

" 3. Is our wealth to be looted at all times? Are we to die?

Are we to be crying? Are we not men? Is life (so) sweet?

" 4. Are all the thirty crores of us curs? - Are (we) porklings?

Are you alone men? Is this justice? - Or, is (it) stubbornness?

" 5. Is it sin to evince love for (the land of) Bharata? - Or, is it (the cause of) displeasure?

Say, whether it is a crime to get rid of our poverty? - Is there (any) malice in this?

" 6. We have understood that the path of union alone is the (proper) path. We are thoroughly -- convinced (of this).

We shall not be bewildered by all the cruelties perpetrated by you further. We shall not be perturbed in mind.

" 7. Will your idea be accomplished even if (our) flesh is hacked to pieces? - Will (our) soul rest (in peace)?

Stanza 7. Will the great devotion filling (our) heart pass away? - Will (our) heart burn?

Pages 121-123.

Song in praise of "Belgium".

Stanza. 1. You have fallen on account of righteousness. You would not tolerate the (acts of) violence committed by the powerful foreigner on account of (his) wrath. Though poor in strength, you have attained glory by (your) action like the kurava girl living on a chain of mountains, who wards off (the attack of) the tiger with (her) winnowing fan.

" 2. You have fallen on account of (your) liberality. When the enemy's army resembling the sea attacked with firmness, you, without losing courage, resolved in your mind that fame combined with excellence was alone preferable. You stood for the rights of the people of the beautiful country who have realised the truth.

" 3. You have fallen on account of (your sense of) honor. Though the enemy king, who had no regard (for honour), possessed unbounded strength, you did not agree to stand aloof fearing for (your) weakness, but opposed (him) in his way with the idea of doing (your) best.

" 4. You have fallen on account of (your) valour. When the mountain came rolling down from above, you did not agree to hide yourself by moving to a side and keeping out of (its) way, but thought lightly of the weight. You took the snake to be but a worm. You stood forward at the proper time and asked the enemy to "halt".

Stanza 5. You have fallen on account of (your) boldness. When the mighty enemy attacked with countless troops and with arrogance growing like a malady, you would not entertain the idea of submitting (yourself) and would not think that hiding yourself was advantageous. You would not think of yielding, but ---- obstructed (the enemy) by saying "halt".

cf P 3 of (H)

" 6. You would not think that it was wise to fear. You would not deem calamity to be a matter of consequence. When, relying on (his) strength, the --- bewildered enemy king entered, leading countless --- troops which resembled the sea with rolling waves, you opposed (him), saying "Let the heads roll down; let honour grow."

" 7. You stood determined to destroy the forest of arrogance - leaving no room even for the root - of the person with military accoutrements, who --- entered the country by crossing the border without respecting (your) orders, whosoever enemy he might be and against whomsoever he might march.

" 8. It is said that the Vedas lay down that all (creatures) that meet with their death in sacrifices come back to the world with increased valour and fame. (We) have heard of persons, who have grown weak and fallen in (the performance of their) moral duty in enterprises undertaken (by them), becoming reanimated immediately and living.

" 9. There are golden palaces, which, when the light of the lamp grows dim, will be immersed in utter darkness until the light of the Sun appears.

Stanza 9. Courageous persons will not entertain any fear in their mind even if innumerable evils befall (them). They will stand with heads erect free from (any) fear. Will they feel distressed?

Part II.

Pages 52-54.

The present condition of the people of (the) Bharata (land).

Stanza 1. I cannot endure to think of these persons who have fallen from their (original) condition. They will die in great fear. There is no object in this world of which they are not afraid. They will speak of deceitful devils. They will say that the devil is on this tree, that it is in that tank and that it is slumbering on the ridge of the house. They will be greatly distressed and will become afraid at the thought (of the devil).

(I cannot etc.)

" 2. They will speak of the magician. At the mention of the word ('magician'), they will become frightened. (They will speak of) mystical diagrams and witchcraft. How many more thousands of afflictions (of mind) they are subjected to! All the kings in the world support the people only with ~~the help of~~ the money given (by the latter). These persons will feel distressed, deeming that government to be a devil which causes fright.

(I cannot etc.)

Stanza 3. They will be afraid at sight of the sepoy. They will be perturbed in mind when they see the --- Policeman* coming. When they see a person with a gun coming at a long distance, they will hide themselves in the house. After that some one will pass by. They will be afraid at sight of his dress, get up and stand. They will always fold up (their) hands. They will be afraid of every one and behave like cats towards them.

(I cannot etc.)

cf Q on p3 of (H)

" 4. I cannot endure to think of these persons who have fallen from their (original) condition. Are the divisions few (in number)? Will it be an exaggeration to say that they constitute a crore? The father will say (that there is) a snake with five heads. If the son should say (that it has) six heads, discord will arise between them. Then there will be enmity between the two for a long time.

(I cannot etc.)

" 5. They will not perceive the truth contained in any of the Shástras. Placing faith in the words of the false Shástras, which are devilish in character, they will discourage and despise any one who differs (from them) on a certain principle, though he is of the same gotra# as theirs. They will bow to the base persons that deceive them by flattering (them). Saying that one is a Saivite and the other is a devotee of Hari, they will become infuriated and indulge in --- serious quarrels.

(I cannot etc.)

- -

* Literally, 'the servant of the place'.

\# Ancestry.

Stanza 6. I cannot endure to think of this. Though I think (~~about~~ of this), I do not feel disgusted. They have no means of subsistence. Nor do they know what the reasons for this are. They cry out 'famine, famine' and, --- suffering from the gnawings of hunger every day, droop down and die. Alas! There is no means of relieving their distress.

(I cannot etc.)

" 7. Innumerable are the diseases they are suffering from. They have not strength enough even to get up and walk. Like blind children, they will follow the path shown by others and become entangled. In (this) sacred country wherein forty thousand crores of great arts and sciences exist and are held in esteem, these will be leading the life of beasts which are devoid of knowledge.

(I cannot etc.)

(A true translation)

[signature]

Tamil Translator to Government.

9 R
on p3
9 (H)

Special

36 36 33

Public Dept

Recd. at 3.35 pm.
RK
20/10.

Memo 3758-4 d/ 20-10-28

S

Books + publications - Subramanya Bharathi's national Songs, Parts I + II - Forfeiture - Rg. Correspondence ending with the Crown Prosecutor's letter d/ 16.10.28

xd
RK
20/10.

Desp
PR
20/10/28

p 20 ante

Parts I and II of Subramanya Bharathi's national Songs together with a copy of English translations by the Tamil Translator to this Govt, of the particular passages to which the Burma Govt took exception are enclosed.

Hon Ch's note p 20 NF

pp 22-35 CF

The Criminal revision petition filed by Mr Harihara Sarma should be opposed.

p 3 CF

See Hon Ch's note p 20 NF

2K
19.10.28

MY 19.10.28

To the Crown Prosecutor with a copy of the translations of Parts I + II of the national songs.

take copy of encls put up

37

37 34

Public DEPARTMENT.

C.F. 30—10,000—7-8-26.

Received .... 192 . Registered .... 192 .

CURRENT NO. 3028 PUBLIC

Subject

Refce.- Govt. Memo No. 3758-4, Public, dated 20-10-28. Order to oppose case in the High Court - Bharathy's songs - Forfeiture.

UNDER SECRETARY 22 OCT. 1928 TO SECRETARIAT

ENCLOSURES.
No. nil
Spare copies

No.

Station Madras, Dated the 22nd October 1928.

From (Name) K.P.M. Menon Esq., B.A., Bar-at-Law,

(Designation) Crown Prosecutor, Madras

To The Chief Secretary to the Government of Madras,

Public Department.

Fort St. George, Madras.

Sir,

Refce.- Govt. Memo No. 3758-4, Public, dated 20-10-28. Order to oppose case in the High Court - Bharathy's somgs - Forfeiture.

The matter before the High Court is not a Revision against any judicial order of any Magistrate, but is an Original Application to cancel or redress ~~trial~~ an executive order of the Government. It entails an original, criminal trial, by a Special Bench of three Judges. It is a new jurisdiction and new procedure, created more or less in substitution and repeal of certain provisions of the Indian Press Act I of 1910, by Act XIV of 1922, and incorporated into the Criminal Procedure Code, by the latter Act and Act 36 of 1926.

See also CP's further letter on p. 41 [illegible]

2. The burden of proof is on the Government to show that the matter falls under section 124-A or 153-A, Indian Penal Code, and thereby to justify its act of confiscation. (47 Allahabad 298 F.B.).

3. The defence may insist on the translation and printing of the whole or the greater part of both the books, to prove the general scheme, purport, and tendency, and to show that there is no sedition. Mere passages and extracts will be objected to. This was the old law-; and is now accentuated by section 99 E, Criminal Procedure Code.

4. The Government Translator's services should be placed at my disposal for at least about a week, before the trial. He will have to be examined by me as a Crown witness. The defence will surely cross-examine him; and will most probably also examine their own witnesses to contradict the interpretations of the Crown witness.

5. The case may take four or five days. Authorities on the point are numerous. Disputes in interpretations are likely to be many. Mr. S. Sreenivasa Iyengar (the late Advocate-General) and Mr. Bhashyam are appearing for the opposite party-; and the former has always been known to be exhaustive, minute, and hairsplitting, in his conduct of cases. The case is not only a sensational one, but is also a difficult one-; and will demand a good deal of time and labour.

6. And I beg to state that such original applications and trials before such special benches, do not fall within the scope of my duties as Crown Prosecutor. I may also be permitted to add that this is more a concern of the Burmah Government than of the Madras Government.

7. I therefore request that I should be paid a proper fee for this. I should also have a very competent junior to help me in the case, and he too should be paid a proper fee.

8. In a somewhat similar previous case (Mrs.Beasant's case - Reported in I.L.R.39 Madras 1085 - Special Bench), the Advocate-General (Mr. Sreenivasa Iyengar who now appears for the other side), assisted by able juniors, appeared for the Government; and I understand that the Government paid about Rs.3500/- by way of fees.

9. Considering all circumstances, I should fix the senior fee at Rs.1000/- and the junior fee at Rs.350/- for the whole of this case. I suggest, as my junior, Mr. P. Govinda Menon, B.A., B.L., Advocate, who is on my panel of permanent juniors.

10. I therefore request the Government to pass early orders,

(i). fixing counsels' fees as above mentioned,

(2). and directing the Tamil Translator to Government to see me and arrange with me, concerning the matter referred to in paras 3 & 4 above.

I have the honour to be,

Sir,

Your most obedient servant,

K P Menon.

Crown Prosecutor, Madras.

40

40 36

I.No.669-3.

Enclosure:- One (21 pages).

Note for the Senior Translator to Government.

Reference:- Memorandum No.3758-2, Public, dated the 13th October 1928.

CHIEF SECRETARY 26 OCT. 1928 GOVT. OF MADRAS

With reference to paragraph 3 of the above Memorandum, a true translation of the poems which contain passages to which exception may be taken in Part I of the Tamil booklet entitled 'National Songs' by C.Subrahmanya Bharati, is furnished herewith for favour of being submitted to Government. These passages are indicated by blue pencil marks on the margin of the translation. The matter within brackets in the translation has nothing corresponding to it in the Tamil original but has been introduced to make the context intelligible.

2. The translation of the poems containing passages to which exception may be taken in Part II of the booklet is in progress and will be furnished as expeditiously as possible.

3. With reference to this Office Note I.No.669-2 ⊗ dated the 18th Instant, furnishing an English translation of the poems containing passages to which exception was taken by the Government of Burma, it is submitted that a foot-note, which was omitted in the fair copy of the translation, may be added to page 10 thereof. The foot-note is "Apparently, 'France' " and has reference to the words 'the beautiful country' occurring in line 6 of the translation of stanza 3 of the 'Song in praise of ----- "Belgium" ' on that page.

⊗ A copy of it was sent to Cr Branch see memo on p1 (a) ante

Madras,
25th October 1928.

Tamil Translator to Government.

p.t.o

41

241

No. 1253.

Forwarded to the Chief Secretary to Government, Public Department, Madras.

B. Rama Rau
Senior Translator to G.
25.10.28

3 42 42 37

@
Swadesa Gitangal.

Part I

by

C. Subrahmanya Bharati.

Preface, page 6. (In an appeal to the Tamils by the Bharati Publishing House to popularise these songs, the following passage occurs:)

[Though the Tinnevelly Taluk Board tried to introduce this book (as a text-book) in the schools under their management, with a view to instil patriotism in the minds of the pupils through it, the Education Department of the Government unlawfully had it removed. The important question is how we, the people of the Tamil country, are going to remove this disgrace.]

Page 3.

Vande Mataram.

Vande Mataram - Victory (to Mother)
Vande Mataram.

Stanza 1.

Victory, victory to Bharata,
Victory, victory to Bharata,
Victory, victory to Bharata,
Victory, victory, victory, victory.
(Vande Mataram etc.)

" 2. (These are) the heroic words uttered by women and by men resembling the Sun in the Arya land.
(Vande Mataram etc.)

" 3. (These are) the words that the people of our country utter with pleasure, though (they may be) reduced in curcumstances and though (they may) perish

---

@ 'National Songs'.

Stanza 3. by burning.

(Vandé Mátaram etc.)

" 4. [Whether, standing together hereafter, we win or ~~whether we~~ lose (our) lives, we will, with undiminished strength, say

(Vandé Mátaram etc.)]

Pages 11-12. Victory to Bhárata.

Stanza 1. Even when (our) Mother might conquer a hundred countries with an excellent motive and the people of those countries come (to her) after (their) anger has subsided and offer congratulations (to her), even when (her) dignity and valour might become extinct and (she) might become very poor, she would stand without deviating from (the path of) virtue. May she be victorious!

" 2. Even when learned men from a hundred countries, who composed a hundred crores of literary works, might come here seeking (her) to ascertain the truth definitely, even when education might assume a change and the --- liberality of the country might become extinct, she would stand making obeisance to the real Being that lasts till the end. May (she) be prosperous!

" 3. When the prosperity of the archers wanes and ends, when the heroic sword vanishes as well and when the literary works imparting true knowledge composed by those surpassing in wisdom that conquers (ignorance) become reduced in number, she would save from ruin -- those works that are capable of yielding all (the --- benefits) described here as also other benefits incidental (thereto). May (our) Mother be prosperous! May (she) be prosperous!

Pages 11-12.
Stanza 4.

[Though persons with a sinful mind approach (her in such a large number) like the particles of water in the wide sea, as if (she were) a sacred pot containing nectar which is taken by the celestials, and plunder every day, the inexhaustible wealth will increase all the more. May (our) Mother be prosperous!]

" 5.

She invented (various) industries affording pleasure and favoured the great world with them. She brought into existence several religions which are calculated to help (one) to attain future bliss. As a different truth presented itself to the minds of the people of diverse countries, she has engendered (in our minds) today a desire for liberty. May (she) be prosperous for ever!

Page 15.

Our Country.

Stanza 1.

The huge Himalayas are our mountains;
there is not another (mountain) like them
in the great world.
The Ganges, with its sweet fragrant water,
is our river; what other (river) here can
compare with it in excellence?
The Upanishad which is beyond description is
our (sacred) book; where is another work
like this in the world?
The golden land of Bharata is our land;
let us worship this (and) none can equal us.

" 2.

(This is) the virtuous country which abounded
with great heroes fighting on chariots.
(This is) the beautiful country in which lived
many great sages.

Stanza 2. (This is) the country in which is heard the sweet music of Nárada.

(This is) the country which yearns for everything good.

(This is) the excellent country which ~~was~~ ~~is~~ celebrated for perfection of knowledge.

(This is) ~~ka~~ the country which was blessed with the grace of Buddha.

The land of Bharata is a great and ancient land; let us sing this (and) none can equal us.

" 3. [When distress overtakes (us), we will not be afraid of it.

We will no longer die of poverty on the earth.

We will not do mean service~~s~~ for selfish ends.

We will no longer refuse aid, if it be for (our) sacred motherland.]

Ours is the excellent Arya land which yields sugarcane, honey, fruits, sweet milk, plantains and superior paddy at all times.

Let us declare this (and) none can equal us.

Our Mother.

Pages 30-21.
Stanza 1. Our Mother is of such a nature that even persons of profound erudition and deliberation, who can understand all that transpired in days of old, cannot find out when she was born.

" 2. Though our Mother is of an age which cannot be easily determined by anybody, she would conduct herself like a virgin even today in this world.

" 3. She has thirty crores of faces (but) has one soul possessing (enormous) strength. She talks in eighteen languages. Yet she has one thought.

Stanza 4. [She has the Vedas on (her) tongue. She has an excellent sword in (her) hand. She would bestow sweet grace on those that approach her. She has shoulders which will kill wicked people.

" 5. (Our) Mother will do (her) duties with all the sixty crores of (her) large hands. (Our) Mother will reduce to dust those that pursue her with the object of killing her and make them lie ~~down~~.

" 6. (Our) Mother possesses a larger amount of patience than the earth. She has a very pure heart. But when (our) Mother stands before those that commit evil deeds, she resembles the cruel Durga.ø]

" 7. Our Mother will worship with (her) hands the ascetic who wears the moon on (his) entangled locks of hair. She will also worship himx that governs the seven worlds with a single disc in (his) hand.

" 8. She is unparallelled in (the practice of) yoga.✗ She also knows very well that the real Being is one. She abounds in excellent pleasures. She possesses incalculable heaps of gold.

" 9. [Our Mother will praise those kings that ~~know~~ pursue (the path of) righteousness and do (them) good. (But) if they are otherwise, she will swallow them up and then dance with joy.]

" 10. Our Mother is the victorious daughter of the King of the Himalayas which are white. Though his

- -

ø A terrific goddess.

x Apparently, 'God Vishnu'.

✗ Religious and abstract meditation.

Stanza 10. valour might vanish, our Mother will not vanish. She will (on the other hand) grow in excellence every day.

Pages 22-24.

The banner of the Mother.

Praising the flag of the Bharata country.

Behold the beautiful flag of the Mother.
Come, so that (we) may bow to it respectfully
and praise it.

Stanza 1. (There) stands a lofty post. Behold the beautiful silk cloth which spreads at the top of it, shedding lustre with the words Vandé Mátaram gracefully written thereon.

(Behold the etc).

" 2. Can it be called a silk flag? Even if the strong gale that blows against it whirling the same, should blow in excess, that strong precious flag[x] will not care for it.

(Behold the etc).

" 3. On one side of it (will appear) the thunder-bolt of Indra and on the other the crescent Moon of our Muslims. Between (the two) will be found the mantra of (our) Mother. Am I the person who is capable of describing its excellence?

(Behold the etc).

" 4. [Behold the large sacred band of heroes, that cannot be seen anywhere (else), standing at the foot of the flag-staff. Those heroes are worthy of being relied upon. They will guard the flag even at the sacrifice

- -

x Literally 'a layer'.

Stanza 4. of their valuable lives.]

(Behold the etc).

" 5. Is not this beautiful sight of their standing in rows a delight? Behold (their) chests adorned with jewels and (their) figures of great ~~xx with~~ strength and exquisite beauty.

(Behold the etc).

" 6. The warriors of the Pandya country, the Maravas with fierce fiery eyes, the heroes of the Sera (country), the Telugus of a daring mind, the Tuluvas who render service only at the red feet of the Mother;

(Behold the etc).

" 7. Together with the Kanarese people and the people of Ottiya[x], the Mahrattas ~~xxxx~~ who would cause such an uproar in the war that even Yama[✗] would fear, the wrestlers of Hindustan who are so beautiful that they can be compared to the celestials of the golden[ø] city;

(Behold the etc).

" 8. The Rajput heroes, whose fame will not vanish on the earth until the world comes to an end, until all the brave deeds performed in righteous wars are forgotten and until women preserve (their) chastity;

(Behold the etc).

" 9. The people who were born in the good country of the Punjab, wherein many persons inclusive of Arjuna ✗ lived in days of yore, and the people of Bengal who would think of the service at the feet of the Mother

- -

x A country north of Madras.

✗ The god of death.

ø The Swarga or the paradise of Indra.

Stanza 9. even when they die;

(Behold the etc).

" 10. Behold (all these) join together and guard it. May the valour of their mind last for ever! May the banner of the Goddess of Bharata land, which is praised by learned persons, flourish with excellence!

(Behold the etc).

Pages 30-31. <u>The greatness of liberty.</u>

Stanza 1. [Will those that yearn for heroic liberty accept anything else afterwards?] Will those that desire to take ambrosia to the full every day turn (their) attention to toddy?

(Will those etc).

" 2. [When once they see that everything but fame and excellent virtue is nothing but unreality, will they like to live, even doing despicable and mean services?

(Will those etc).

" 3. When once they understand the natural truth that all people who are born must die, will they deem it happy to live after losing (all sense of) shame and forgetting what virtue is?]

(Will those etc).

" 4. When once they understand the truth that it is difficult to attain human birth, will they agree to deviate from the true path, even though their bodies of flesh may be burnt.

(Will those etc).

Stanza 5. [Will any one sell away the Sun in the skies and go in for a firefly? Will (any) one eke out livelihood with folded hands, having lost liberty which is more valuable than one's (own) eyes?]

(Will those etc).

" 6. [Will (any) one forego the excellence of liberty, yearning for earthly pleasures? Will not (people) clap (their) hands and laugh, if (he) should sell both (his) eyes and purchase a picture?]

(Will those etc).

" 7. Will (any) one bow to Maya[x] after worshipping (the Goddess) by saying Vandé Mátaram? Will he forget that Vandé Mátaram is (our) only support[@]?

(Will those etc).

Pages 31-33. Thirst for liberty.

Stanza 1. Is it by irrigating (this crop) with water that we nurtured (it)? O Supreme Being! We protected this crop by (our) tears. Is it thy will that (it) should wither?

" 2. This is the beautiful light kept burning within our soul with the ghee of all (our) hope. Is it thy will that (it) should go out?

" 3. Will we lose (this) precious gem, which was (first) despaired of but was had (subsequently), after (we) desisted from action and remained quiet for a thousand years?

- -

x Means 'Illusion'.

@ Also means 'the majestic mantra'.

Stanza 4. Will the words of the great, that virtue alone will triumph, become false? Are not the results of the actions of (our) previous births, experienced by us (so far), enough?

" 5. [Dost thou not see eminent persons confined[x] in terrible jails and men of erudition undergoing sufferings at oil-presses?

" 6. Dost thou not see numberless good men feeling mortified and disheartened like children blind of both eyes?

" 7. Dost thou not see loving youths getting dejected, having parted with (their) wives and children on account of cruelty?

" 8. Who at all is there excepting thee, my Lord, that will remove the sufferings of those that are in distress, having lost all the natural resources provided by thee?

" 9. Is not pleasant liberty one that was obtained by thy sweet grace? Persons devoid of love have robbed (us of) it. Wilt thou not protect (us)?

" 10. Can there be prosperity, if there is no rain? If the freedom enjoyed by our fathers is denied to us, what can (we) beggars do?]

" 11. Mayest thou grant all (the desires) which have truly arisen in our mind! (Are we practising) deception? Dost thou not see the purity of our mind?

- -

x Literally, 'Lying down'.

Stanza 12. Is it for putting on a deceptive appearance that we mortify (our) body and life and sacrifice (our) property? Is it for putting on a deceptive appearance that (we) unceasingly weep and feel greatly agitated?

" 13. When by thy grace we demand thy right for thy sake, why art thou remaining without feeling pity (for us)?

" 14. Are we begging (for it) newly today? Art thou not aware of the eminent position enjoyed by (our) ancestors in those days?

" 15. If it is a fact that thou as well as virtue endure for ever, mayest thou grant this one boon to us before (we) get tired.

Pages 34-36. (Song) in praise of the Goddess of Liberty.

Stanza 1. [Though (I) leave (my) comfortable home and am confined in jail, which is full of hardships, though both (my) position and wealth are changed and (I) suffer degradation, being accused of many charges and though innumerable evils of various kinds crop up and destroy me, I cannot forget to worship thee, O Goddess of Liberty!]

" 3. The life of those that have not merited thy grace is one of desolation, though they might possess unparallelled wealth, though they might have acquired indescribable knowledge by means of learning and research and have thereby become eminent and though they might further excel (others) in (the matter of) unbounded greatness. They are comparable to corpses wearing jewels.

h.D

Stanza 3. O Goddess! Can a country wherein thou dost not shine be (deemed to be) a country? Can there be a good soul there? Can there be wisdom (there)? Can there be wealth (there)? Can there be works containing epic poems, works on theology and Vedas? Are not those, that have not secured thy protection, sinners?

" 4. O Mother bestowing imperishable greatness! Those that have not merited thy grace will die of incurable diseases, cannot know what enthusiasm is, will occupy the lowest position, so as to be despised by all riffraffs, cannot know what a life free from degradation is and cannot find enjoyment even in dreams.

" 5. [O Goddess! Though what is desired by those that, in seeking thy grace, feel highly anxious and offer their life and love (to thee), is the terrible jail, it is worthy of being called the inaccessible heaven.]

" 6. [Mother! Those that cannot realise thy greatness will deem mean service to be excellent.] The golden mansion that affords the earthly pleasures should indeed be characterised as the terrible and wretched jail.

" 7. The people of several of the western countries, who are heroic, worshipped thee and attained a new position. They desired to obtain thy blessings even by sacrificing crores of lives to Yama.

" 8. What can I, thy devotee, say and sing (in praise of) thee that art of such a nature? I am born in a country that has become split and lost (its) greatness and that is devoid of (thy) ~~symbol~~ emblems and is going to ruin.

Stanza 9. O Goddess ~~only~~ cherishing and protecting excellent virtue! O Light growing intense to dispel the darkness of dishonest life, misery and poverty! O Ambrosia to the heroes! I pray to thee.

Page 59. Song in praise of Sri Krishna.

Stanza 1. [When will this thirst for liberty be allayed? When will our fascination for servility die? When will the manacles of our Mother disappear? When will our afflictions cease and prove to be false? O Lord! ~~Thou~~ didst came to bring about the Bhárata (War) in those days and ~~you~~ thou dost support the life of the Aryans. Is it not thy grace that is the help which secures victory? Is it proper that we, who are (thy) true devotees, should still be languishing?]

" 2. O (Lord) destroying the demons that commit cruel deeds! O (Lord) that art the most excellent of heroes. O King of the Aryans! Are famine and disease (intended) for ~~that~~ thy true devotees? Who else in the world is to enjoy excellent things? Can (one) be forsaken after (one) has sought refuge? Can a mother abandon her child? Is it not thy duty to bestow (thy) grace, ~~on thy devotees~~ saying 'Do not fear'? O Lord! Hast thou too forgotten thy duty?

Page 63. The Frenzied Mother.

Stanza 1. Lo! Our Mother is (as terrible as) a devil. Our Mother is mad[x] to a great degree. Our Mother loves Siva

---

x Literally, 'a crazy person'.

Stanza 1. who carries glowing fire in his hand.

(Lo! Our Mother etc).

" 2. Our Mother will bathe in the water of the rising and beating billows of the sea of delight of sweet songs and experience pleasure. She will jump up and skip there.

(Lo! Our Mother etc).

" 3. Our Mother will deck herself with flowers dripping honey and giving forth delicious and divine fragrance and, getting satiated with honey, will dance in the -- beautiful garden of verses composed of delightful words.

(Lo! Our Mother etc).

" 4. Lo! She will chant the Vedas. She will skip, holding the lance of truth in (her) hand. Having learnt the crores of shastras which are difficult of learning, she will teach (them) to the whole world and make (them) public.

(Lo! Our Mother etc).

" 5. [Is the Bhārata war a light affair? She would shine in the bow in the hand of the valiant Arjuna. -- Though a crore of mighty charioteers turn up, she will kill (them) in a moment and revel in (their) blood.]

(Lo! Our Mother etc).

Pages 67-70.

Feigned Swadeshis.
Teaching by reviling.

Stanza 1. O Parrot! They will speak hypocritically, having neither strength of mind nor the capacity to behave in a straight-forward manner. They are heroes (only) in words.

Stanza 2. O Parrot! They will only gather in crowds and blab aloud but will not have their eye on (their) objective. They will forget (what they say) in the course of the day.

" 3. O Parrot! Can blind persons have (their) own government, earthly pleasures and greatness? Can eunuchs know what (conjugal) happiness is?

" 4. O Parrot! They are a crowd of women who, though having two eyes, have not the capacity to see. What is the use of talking (about them)?

" 5. O Parrot! They will speak of mills and indigenous[x] cloth. Will a mango fruit fall down anywhere by (the uttering of) a mantra?

" 6. O Parrot! They will wander about saying 'salt', 'sugar' and 'indigenous cloth'. They do not know how to manufacture (them).

" 7. O Parrot! They merely speak about the honour of women and devotion to God but do not have faith (in them).

" 8. [O Parrot! They cared for (their own) lives like dolts, while others outraged the modesty of women and perpetrated atrocities.

" 9. O Parrot! They deemed (their) lives to be of great importance and lay in fear, when others entered the temple of the Goddess and committed harm.]

- -

x Literally, 'their'.

Stanza 10. O Parrot! They are greatly imbued with fear, characteristics of eunuchs and mean slave mentality. They are dumb people.

" 11. [O Parrot! Are the people, who have no enthusiasm, strength of mind and love of truth, fit to live even for a moment?

" 12. O Parrot! Are the base persons, who think lightly of honour and highly of (their) happiness, fit to be in the world?]

" 13. O Parrot! Just as (a person) says 'Siva', 'Siva', though (he) has in his mind the desire for (drinking) toddy, they will say 'Vandé Mátaram'. (But) they do not think (seriously) about it.

" 14. O Parrot! They pretend to speak often about --- things ancient; but what do (those) ignorant persons know about the ancient condition?

" 15. O Parrot! By bringing disgrace upon themselves and cherishing a desire for seeking base wealth without shame, they will subject themselves to degradation in the country.

" 16. [O Parrot! They will not feel pity though they see (their) own brethren dying in distress. They have forgotten (the path of) rectitude.

" 17. O Parrot! Though they see with their (own) eyes the people of the Bharata land dying of famine and disease like worms, they will remain idle.]

" 18. O Parrot! They will not strive to prevent the famine that kills the Mother. They will open (their) mouths and merely say 'Vandé Mátaram'.

Page 75. **The slave of Goddess Bharata.**

[I am not, indeed, the slave of foreigners.
I am not, indeed, the slave of foreigners.]

Stanza 1. I am a slave at both the feet of Goddess Bharata of great renown.

(I am not etc.,)

" 2. I am a suitable slave of the Sage Tilak who embodies in himself all the great virtues shining (on this earth).

(I am not etc.,)

" 3. I am a slave of the eminent Bhupendra who goes into the terrible jail with a smile.

(I am not etc.,)

" 4. I am a suitable slave of our Pal who will not swerve from truth though (he) may stand before Yama✗.

(I am not etc.,)

" 5. I am a slave at the feet of Brahma Bandhava who will not abandon righteousness though (he) may be cast into the burning fire.

(I am not etc.,)

Page 79. **(Song) in praise of Lajpat Rai.**

Stanza 1. [Even though the Sun is placed in the skies, do we not see its rays coming fast and giving light to (our) eyes? O Lajpat! Though they have, in wrath, deported you so that (you) may not live on the soil

- -

✗ The God of death.

Stanza 1. this land, what will they do for your growing ceaselessly ~~[illegible]~~ in our minds so as not to be forgotten by u[illegible] all?

Stanza 2. It is not difficult to get hold of a man, deport (him) to (a place beyond) several countries and do him injury. Though they have done (this) easily, innumerable are the men who, knowing well the greatness of that eminent person, are cherishing him with affection in (their) hearts as if he were a god. Who is to live here, if all these persons are to be driven out?

" 3. Who, among those that have led lives of devotion, has escaped great hardships? Can (we) describe the cruelties to which the son of Hiranya was subjected in consequence of his extreme devotion to Nárāyana? Is it (then) a matter ~~of~~ for wonder that those who are conspicuous for (their) devotion to the land of Bharata and who are heroic in (their) minds, undergo many dire troubles?]

Pages 84-85.

The triumph of Bhúpéndra.

Stanza 1. He who is known as Bhúpéndra is the younger brother of our Vivekananda, the excellent being, who has controlled the senses leading to the commission of sins and who is the personification of wisdom. Even if Indra of great renown, who rules the world of the celestials, gets angry, he will not be afraid on that account and deviate from (the path of) righteousness. He is one who lives doing service to the land of Bharata.

" 2. He has well shown, with a firm strength of mind, the state of the yugantara[*], thereby indicating the ----

- -

[*] Means, '~~the~~ end of a yuga'.

[initials]

Stanza 2. nearness of the approach of another yuga to succeed the wretched Kaliyuga which is characterised by the following topsy-turvy events; viz., all virtues being consigned to an inferior position, all vices flourishing, the mean persons that degrade the great progressing, and sin increasing everywhere.

" 3. [Even though the ruler of the land has imprisoned him, all the people have a great regard for him and take pleasure in singing His praises and greeting him. Is it not a fact that there are some persons in the world who thoughtlessly call a good thing bad, even as a (certain) bird hates the sunlight which fills the skies and likes darkness much?

" 4. He will not think of doing (any) evil to others. He will pity (the condition of) the land of Bharata and feel sorry (for it). He has none to be called (his) enemy. He is a sage who has realised that the whole world is a single soul. Those that have imprisoned him are persons who cannot at all realise the greatness of eminent persons. Have not great men said in ancient times that there can be no happiness without misery?]

Pages 99-100. **The reviling of Maya.**

Stanza 1. O Maya! Will those who have known the truth respect you?
O Maya! Can you do any (harm) to people who
are strong-minded?

" 2. O Maya! Though (you) may bring armies by crores,
Can you stand before the fire of a clear mind?

" 3. O bad Maya! You thought of ruining me;

x Means 'Illusion'.

Stanza 3. O Maya! Know that (I) am sure to ruin you.

" 4. [O Maya! What is the depth of the ocean for one who dares death?

O Maya! What (harm) can you do to bold people who know that this body is transient?]

" 5. O mean Maya! Where will you be after the disappearance of duality?

O Maya! Will you stand, without running away, before people who have, with a clearness (of mind), realised the oneness (of things)?

" 6. [O Maya! Will I deem to be proper the pleasure that you give?

O Maya! Will a lion accept the good sovereignty offered (to it) by a dog?]

" 7. O Maya! I can cast you away if I like.

O Maya! I can gain nothing hereafter from your willingness (to do anything for me).

" 8. [O Maya! I have realised the fact that I am not the subject of any one.

O Maya! Will I be afraid of your wars? I will reduce you to dust.]

Pages 101-102. No fear.

Stanza 1. [There is no fear; there is no fear; there is no such thing as fear.

Though all the people in this world stand in opposition, there is no fear; there is no fear; there is no such thing as fear.

Stanza 1. Though (they) slander us, deeming (us) to be mean, there is no fear; there is no fear; there is no such thing as fear.

Though a life of begging falls to (our) lot, there is no fear; there is no fear; there is no such thing as fear.

Though (we) lose all the objects we loved --- (dearly), there is no fear; there is no fear; there is no such thing as fear.

" 2. Though women with breasts bound by stays cast (their) eyes (at us), there is no fear; there is no fear; there is no such thing as fear.

Though (our) friends bring poison and put it in (our) mouth, there is no fear; there is no fear; there is no such thing as fear.

Though armies with spears covered with raw flesh march (against us), there is no fear; there is no fear; there is no such thing as fear.

Though the skies crumble and fall on (our) heads, there is no fear; there is no fear; there is no such thing as fear.]

(A true translatio)

25/10/28

Tamil Translator to Government.

CIB
This must reach the C.P. today
[illegible]
27/10/28

463 63 58

Public Department

Memo 3758-6 d 27-10-28

Books & publications- Subramanya Bharathi's National Songs, Parts I & II- Forfeiture- Continuation of Memo. No.3758-4 Public dated 13- 10- 1928

A copy of a note from the Tamil Translator to Govt. dated 25- 10- 1928 together with its enclosure is sent to the Crown Prosecutor for information and any action necessary.

2. A copy of the Memorandum referred to in para 1 of the note is also enclosed. The English translation referred to in para 3 of the note was sent to the Crown Prosecutor with the Memo under reference.

[illegible] 27.10.28

[illegible] 27.10.28

[illegible] 27/10

To the Crown Prosecutor

with a copy of the Note of the Tamil Translator, its enclosure & a copy of Memo.No.3758-2 Pub d/13th October 1928.

Despd. by ~~Van~~ / ~~Post~~ / Messenger
[illegible]

Desp. initl. [illegible]

Date 27-10-1928.

64 ~~40~~ 64

Public Department.

59

Copy for Law deg & Cr. Prosecutor must be delivered today
27-10-28

pp 37-39 cf

Law Secy's note p32 NF

Para (2) of Law Deptt note p31 NF

Fin Dy Secy's note pp 34-5 NF

Para (3) of Law Deptt note on p32 & Fin note on p33 NF

MEMO No. 3758-7 dated 27-10-28

Books and publications - Subrahmanya Bharathi's National Songs, Parts I & II - Forfeiture - Ref. letter from the Crown Prosecutor dated 22-10-1928

The Government consider that the matter ~~here~~ before the High Court is one falling within the scope of the duties of the Crown Prosecutor. ~~He must conduct the case.~~ He will be entitled to a fee of Rs.30 only; his claim for a special fee of Rs.1,000/- cannot be admitted.

1. ~~He~~ is, ~~however~~, permitted to engage a Junior to assist him. The Junior will be entitled to a fee of Rs.87-8-0 a day subject to a maximum of Rs.350/.

2. Orders will be issued separately in the Law (Legislative)Department placing the services of the Tamil Translator to Government at the disposal of the Crown Prosecutor.

3. [illegible]

To the Crown Prosecutor.
,, the A.G. through Finance.
,, Law(Genl.)Deptt.
,, Law(Legve.) ,, (with extracts of paras 3,4 & 10 of Crown Prosecutor's letter, para 6 of Public Dept. notes on p.29 & para (4) of Law (Genl.) Dept.'s notes on p.32 n.f.)

Desp'd 27-10-28

27-10-28

27/10

27/10/28

4+ 65 65

C.F. 30-10,000-7-8-26.

Public DEPARTMENT.

CURRENT NO. 4012 60

Received 192 . Registered 192

Subject

Refce. (1). Govt. Memo No. 3758 - 4, Public, dated 20-10-28
(2). My letter dated 22nd October 1928.
Forfeiture of Bharathy's songs.

UNDER SECRETARY 29 OCT. 1928 CHIEF SECRETARIAT

ENCLOSURES.
No. Nil
Spare copies

No.

Station Madras, Dated the 29th October 1928.

From (Name) K.P.M. Menon Esq., B.A., Bar-at-Law,
(Designation) Crown Prosecutor, Madras.

To The Chief Secretary to the Government of Madras,
Public Department.
Fort St. George, Madras.

Sir,

In continuation of my above letter dated 22nd October 1928, I beg to state that the description of the above Special Bench case, as a "Criminal Revision Petition" by the Petitioner, is a misnomer, and will be corrected at the hearing. It is an original application for a regular trial. It is not a Revision at all; and it is a <u>petition</u> only in the sense that any plaint or application or complaint (civil or criminal), under any code or otherwise, inviting executive or judicial or ministerial action, on the part of any Officer or tribunal, can always be called a petition.

I have the honour to be,
Sir,
Your most obedient servant,
K.P.M. Menon.
Crown Prosecutor

25 66 66

No.419.

Enclosure:- One (Nine pages).

p1 auth 61

Note for the Senior Translator to Government.

Reference:- Memorandum No.3758-2, Public, dated the 13th October 1928.

p1 auth

With reference to paragraph 3 of the above Memorandum and paragraph 2 of this Office Note --- I.No.669-3 dated the 25th Instant, a true translation of the poems which contain passages to which exception may be taken in Part II of the Tamil booklet entitled 'National Songs' by C. Subrahmanya Bharati is furnished herewith for favour of being submitted to Government. These passages are indicated by blue pencil marks on the margin of the translation. The matter within brackets in the translation has nothing corresponding to it in the Tamil original but has been introduced to make the context intelligible.

ASST. SECY. TO GOVT. 30 OCT. 1928 4 P.M. CHIEF SECT.

p 1(b) auth

Madras, 29th October 1928.

M. Saravanamuthu
Tamil Translator to Government.

V.E. 30-10-28 1.15 P.M. ANS

No. 1253.
Forwarded to the Chief Secretary to Government, Public Deptt. Madras

B. G. Rama Rau
Senior Translator to Govt:
30-10-28

SWADESA GITANGAL

Part II

by

C.Subrahmanya Bharati.

Page 1. **Valga Tilakan Namam.**

[May the name of Tilak live long! May (it) live long!

May tyranny fall! May (it) fall!]

Stanza 1. May all the four sides resound with the cry of independence!

May the life of slavery, which is comparable to hell, wear out and pass away!

May the darkness that oppresses the intellect of capable persons disappear!

May fear disappear from the world xxxx for ever!

(May the name etc).

" 2. He built the strong fortress of education.

He dug a moat of good ideas around it.

He built in it the temple known as elucidation of words.

He hoisted the flag of independence on it.

(May the name etc).

" 3. His name (indicates) the boat that crosses the sea of misery.

His name (indicates) the device that drives out the devil of languor.

ø National Songs.

x 'May the name of Tilak live long'.

Stanza 3. His name (indicates) the fresh flower wherein the honey of love forms and overflows.

His name is the sign that indicates what is known as manliness.

(May the name etc).

Pages 2-3. Mahatma Gandhi Panchagam.@

Stanza 1. May you prosper! May you, our Lord, Mahatma Gandhi, who have come to contribute to the prosperity of the land of Bharata, which occupies an inferior position among the countries of this world, which is immersed in poverty and which is reduced (in circumstances) and ruined, having lost (its) liberty, prosper! May you prosper!

" 2. You have contrived a device in order to make the people of this country get rid of the life of slavery, enjoy liberty and gain a foremost rank in the world by acquiring increased wealth, education and knowledge and by -- leading a high domestic life. You have (thereby) gained an interminable fame and the foremost position in the world.

" 3. Are we to call (you) the person that brought the herb for counteracting (the effects of) the terrible -- *nāgapāsa*ϕ? Are we to call (you) the person that made the umbrella which guards against thunder and lightning? In what terms (are we) to praise you here? You have contrived a new and very easy device in the world in order

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@ A poem of five verses.

ϕ A kind of snake-like rope with a noose and having life. It is said to be obtained of the gods by austerities, and in war it is sent to entwine itself about the foe.

Stanza 3. to get rid of the dire disease of ~~dependence~~ foreign domination which causes ceaseless misery!

" 4. O great person! You have ventured to link (the principle of) regarding even the life of another, who wishes ruin to one, as one's (own) life and realising that all living creatures are the images of God and are His children - this conclusion of true wisdom - with politics which is entwined with ignominious/war, murder and punishment.

" 5. You have scorned the path of war which leads to great slaughter. You have realised that the path of virtue pursued by highly learned persons and true devotees possesses greater efficacy than that. Realising what will result to India on account of the path of "non-cooperation", which will be beneficial in the near future, and forgetting acts of hostility, may the world pursue a highly virtuous path and prosper!

Pages 3-7. @ Mother Bharata's Naveratna Malai.

May the power of the ∅ son of Siva, who is like a gem, be of protection to me here in adorning the flowery feet of Mother Bharata, who brought into existence thirty crores of heroes, with (this) graceful garland of nine gems.

Stanza 1. If (people) pronounce thy name, "India", which is (as dear) as the eye, they will secure a very strong body,

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@ Literally, 'a garland of nine gems of Mother Bharata'. It is a poem of nine verses in praise of Her.

∅ Refers to Ganesa.

Stanza 1. which is like a good diamond, highly virtuous thoughts, knowledge and innumerable other benefits.

" 2. If Yama[@] appears, he will raise both (his) hands and make obeisance and, weeping aloud, run away and disappear, quaking with fear. If (we) prostrate at the feet of the Mother, whose appearance resembles -- (that of) the blue sea, who has three eyes and who has bridged the gulf of time, can there be such a thing as enmity?

" 3. O Mother! In what terms can we praise today the knowledge imparted by thee to the whole world in those days by reciting the Vedas, Upanishads, puranas of growing fame, ithihasas[∅] and various other works in beautiful words resembling superior pearls. Lo! (It) is a glittering brilliant light! (It) is a novelty that has outlived all ages. (It) is a victory to God.

" 4. Proclaim victory! Blow the white chank! The world has today been saved, saved, by learned persons. [Till now, the kings who were attached (to earthly --- things) - unrighteous warriors, persons who deemed crime alone to be their crown, who used to think that the course dictated by mature intellect was only the enslaving of other people - had (this) rotten (principle enunciated as) law to the whole world with (the help of) their reproachful armies.] Now, the land of Bharata has

- -

@ The god of death.

∅ Ancient heroic history - a class of ancient books including the Bharata and Ramayana.

Stanza 4. taught a new course to the people of the several countries in the world. Listen to what Rabindranath, the eminent poet that composes several songs abounding in delightful excellence so as to be praised by the whole world, has said in this connection. He has stated, "Mohandas Karamchand Gandhi is the greatest of all the persons in the world today and is the personification of virtue itself." The people of (the land of) Bharata have, accepting such a person as (their) leader in the field of politics, come forward to honour whole-heartedly the teaching of the -- Vedas, that virtue alone will secure victory in politics and in all other spheres. As a result of this, we will soon find the arrogance of those that possess armies disappearing and learned persons, who do not swerve from --- (the path of) virtue, making (their) appearance in the world. (Proclaim victory! Blow the white chank!)

" 5. [Trumpet forth victory! Sound the note of benediction! Recite the Vedas! Rise high! Rise high! We have found out a proper, beautiful and excellent method@ which does not involve the least evil. There need be no troubles hereafter. As for liberty, it is certain (to be achieved).]

" 6. You will realise the truth (of this). (I) swear by the feet of God Vishnu. Do not despair. Liberation is certain, certain.

" 7. [Gandhi, our great Lord, is fostering the animation of our sacred mother-land without (any) evil (consequences) by proclaiming everywhere, "You will attain --- liberty soon. You will attain victory." ----------

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@ This is explained as non-cooperation in a footnote in the book.

Stanza 7. ~~[struck-through word]~~ He has said, "The soul cannot experience heat or cold. Devotees can have no despondency or fall. --- Enter upon the righteous war".

" 8. Goddess Lakshmi, that resides in the bright and fragrant lotus, stands now pervading the golden land of Bharata. All the people have forgotten languor and fear. They have listened to the words of Gandhi. They will ~~xxx~~ secure liberation in a moment.

" 9. O Goddess Bharata! (Be pleased to) appear before my eyes at least for a moment, seated on the back of the lion having a dreadful tail and eyes emitting fire, in order that I may rejoice by seeing (thy) sacred form that shines with beautiful smiles after granting liberty to the people of all those countries that seek thy help, so that (they) may be rid of (their) misery.

Pages 125-127. Pudaipeyar Pattu.ø

Stanza 1. How long are (we) to be under bondage and suffer loss of greatness in this world? Come on; we shall bring about a happy life which is devoid of (any) connection. Is this body everlasting? This is certain to die one day or other. The father is indeed one who will die. The mother too is one who will die.

" 2. Children, wife and wealth are all the products of the actions of Vishnu. Spurn at once in contempt these that cause sorrow. O Indian! Rise and enter upon the righteous war for getting rid of the highly cruel and mean slavery and leading an excellent life.

ø A song ~~striving for~~ advocating a change in the existing condition.

Stanza 3. Swords, bows, scimitars, clubs, brickbats and tridents are indeed weapons very much desired by mad persons. Great men, whose mind excels in truth, liberality, kindness and devotion, will have recourse only to the eminent and fine weapon of soul (force) which is eternal.

" 4. O Arya of high birth! Your duty is only to do so. It is, indeed, the lance that is fit for destroying the arrogance of the enemies, for improving the prosperity of the land of (our) Mother and for putting an end once for all to slavery that causes degradation. O Indian! Lift it up.

" 5. If you attain victory, you will reign here enjoying many pleasures. As the devotion to the Divine Being, who cherishes the world with love, grows intense, you will get rid of mean bondage. Is there a tongue to describe the greatness resulting thereafter?

Pages 137-139. The Marava song.@

Stanza 1. Alas! (We) are obliged to dig out earth and earn wages for (our) sustenance. (We) have lost our strength for (the use of) swords and lances! (We) have lost (our) fame that reached the skies. (We) have earned a bad name in this world.

" 2. It was all in days of yore that we cherished and honoured the bow shining with (its) string, the quiver for arrows and the blast of the chank that produced sweet

---

@ A song of Maravas (or warriors).

Stanza 2. and great sound and, holding the strong club shining with rings (thereon), waged wars.

" 3. In the intense darkness of the night when there would also be storm and heavy rain, we used to cover the whole of our body with a small black (piece of) cloth like a fox;

" 4. While hunger pinched this wretched stomach, (we) brought things like timid rats from the houses of the poor, destitute people, and . . . . .

" 5. In days of old all the Brahmans used to chant the Vedas and it would rain thrice a month. (But) in these days, the pseudo Brahmans will try to earn money by doing anything whatsoever.

" 6. The Brahman is a greedy fellow. But he will perspire at the mention of the words "big <u>dorai</u>". Whoever it may be, ... cruelty . . . . .

" 7. He will say (that he has to perform) the thread investiture ceremony of (his) son. He will ask us to give (him) money and worry us very much. (He will) say . . . . . case of dacoity . . . . .

" 8. The heart burns at the mention (of this). Is all this scarcity for mere food? . . . . .

" 9. [Even a dog can lead this life. Further, (one) toils all day in this (manner). The snappish dog of the Police Brahman, that pounces (upon others), gets (his) 'fees' in this.]

" 10. Will we take to stealing as (our) profession?

~~9~~ ~~34~~ ~~75~~ ~~75~~ 90

Stanza 10. Will we spoil the name of the ancients who were warriors? Are we not heroic Maravas? Is it proper to lead this useless life hereafter?

(A true translation)

[signature] 29/10/20

Tamil Translator to Government.

35 ~~76~~ 76

Public Dept

71

Memo No 3758-8 d 30.10.28

Books & publications - Subramanya Bharathi's National Songs, Parts I & II - Forfeiture - Continuation of Memo No 3758-6 Pub d 27.10.28

p 24 ante

A copy of a note from the Tamil Translator to Govt, No 419 d 29.10.28 together with its enclosure is sent to the Crown Prosecutor for information and any action necessary

p. 25 ante

pp 26-34 ante

RK
30.10.28

M.Y. 30.10.28

HG
30/10

To the Crown Prosecutor with a copy of pp 25-34 CF.

Despd - ...M.
Tary
30/10/28
6.45 pm

4052

Public DEPARTMENT. C.F. 30-10,000-7-8-26.

Received .... 192 . Registered .... 192 .

Subject

Refce.- (1). Govt. Memo No. 3758 -1, Public, dated 12th October 1928 re. Forfeiture of Bharathy's songs.
(2). My reply to above dated 16th October 1928

p 13 ante

UNDER SECRETARY 31 OCT. 1928 CHIEF SECRETARIAT

ENCLOSURES.
No. Nil
Spare copies

No.

Station Madras, Dated the 31st October 1928.

From (Name) K.P.M. Menon Esq., B.A., Bar-at-Law,
(Designation) Crown Prosecutor, Madras.

To The Chief Secretary to the Government of Madras,
Public Department.
Fort St. George, Madras.

Sir,

p 20 ante

In continuation of my letter dated 16th October 1928, I have the honour to state that the Special Bench Case concerning the above matter, now stands adjourned to "until after the Sessions", i.e. it will not be heard until the ensuing IV Criminal Sessions, 1928, of the High Court, are over. The said Sessions begin on next Monday the 5th November, and will probably last for about three weeks.

I have the honour to be,
Sir,
Your most obedient servant,

K P M Menon

Crown Prosecutor, Madras.

78 43

GOVERNMENT OF MADRAS

5273 B / 31 X 28 et 405 3 Date 73

Law (Legislative) Department.

ASST. SECY. TO GOVT. 31 OCT. 1928 CHIEF SECT.

Memorandum No. 3250-1 dated 30th October 1928.

Books and Publications - Subramanya Bharathi's National Songs - Parts I and II - Forfeiture -

*****

See paras 4 + 10 on pp 38-39 + para 2 of Remarks on p 40 ante

The Senior Translator to Government is requested to place at once at the disposal of the Crown Prosecutor the services of the Tamil Translator in connection with the case filed in the High Court on the proscription of Bharathi songs.

2. The case is posted for hearing on the 31st instant.

3. The Tamil Translator should be directed to take instructions from the Crown Prosecutor immediately.

J. Venkatanarayana

Secretary to Government.

To

The Senior Translator to Government

Copy to the Crown Prosecutor

" Accountant General

" ~~Law (General) Department~~ Public Department

Forwarded

(By order)

S.N. Panchanadeswaran

Superintendent.

Public Department.

MEMO No. 3758-11 dated 10-11-28.

Books and publications - Subrahmanya Bharathi's National Songs, Parts I and II - Forfeiture - Continuation of Memo No.3758-7 Public, dated 27-10-1928.

The Government aanction to the Crown Prosecutor, Madras, a special fee of Rs.1,000(one thousand) for conducting the case filed in the High Court by Mr. Harihara Sarma on the proscription of Bharathi's National Songs.

2. This expenditure as also that on account of the Junior sanctioned in Memo No.3758-7 Public, dated 27-10-1928 should be met from the provision in the current year's budget under "24-b-Administration of Justice -Law Officers -Honoraria- (Voted) - Fees to Government Pleaders in Civil Cases, Criminal Cases, pauper suits & Escheat cases."

To the Crown Prosecutor, Madras.
,, Accountant General, Madras.
,, Finance Department.
,, Law(Genl.) Department.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the fourth day of December,

One thousand nine hundred and twenty eight.

Present:-

The Honourable Sir Murray Coutts Trotter, Kt., Chief Justice,

The Honourable Mr. Justice Odgers.

and

The Honourable Mr. Justice Beasley.

Criminal Revision Case No. 814 of 1928.

(Criminal Revision Petition No. 675 of 1928)

In the matter of 'The National Songs' Parts I and II of C. Subrahmania Bharathi.

Harihara Sarma — Petitioner.

Application under Section 99-B of the Code of Criminal Procedure, 1898, praying the High Court to set aside the order of forfeiture in respect of 'the National Songs' Parts I and II of C. Subrahmania Bharathi contained in the Notification No. 178 of the Government of Burma dated the 7th August 1928 republished in Notification No. 357 (G.O. Mis. No. 739, Public) in the Fort St. George Gazette dated 11th September 1928, on page 1347 of Part I.

O r d e r:- This Application coming on for hearing, in the presence of Mr. K. Bhashyam Ayyangar and Mr. E. Krishna Ayyar, Advocates for the Petitioner and of the Crown Prosecutor on behalf of the Crown, and the said Advocates for the Petitioner requesting permission to withdraw this application, it is ordered that this application be, and hereby is, dismissed as withdrawn.

(Sd) K. Kuppuswami Ayyar,
Ag. Asst. Registrar,
Appellate Side.

(True copy)

To
1. The Chief Secretary to the Government of Madras.
2. The Chief Presidency Magistrate, Egmore, Madras (with records) and books.

Ag. Sub. Asst. Registrar,
App. Side.

KCK

Dated 4th December 1928

O r d e r

Crl.Rev.Case No.814 of 1928

(Crl.Rev. Petn No. 675 of 1928)

Dismissing as withdrawn, the application to set aside the order of forfeiture of the Local Government in respect of 'the National Songs' Parts I and II of C. Subrahmania Bharathi.

Genl ~~46~~ 81 81

Sects. II-53—5,006—9-11-26.

1928.

Secretariat Library DEPARTMENT.

CUTTINGS FROM NEWSPAPERS.

76

1. *Name of Paper—* The 'Hindu'
2. *Published at—* Madras
3. *Dated—* 4 4.12.1928.

U.S.
Submitted.
DL
7.12.28.
Rus
7.12.28.
7.12.28

UNDER SECRETARY
[date stamp]
CHIEF SECRETARIAT

C.S.
Ass. to file.
8.12.28

P. 2 infra.

At the High Court to-day, the application challenging the seizure of *The Bharati Songs* by the Police was withdrawn by the aggrieved party, obviously in the light of the answers to questions at the last meeting of the Local Legislative Council on the subject. The Madras Government have not now the excuse that the matter is *sub-judice* and that therefore they could not act in the matter. It is clear that, so far as the Madras Government are concerned, they have no complaints to make against the book and that their action was merely as an unwilling agent of the Government of Burma. If that is so, their duty is now to put matters right not only by acting on their own initiative but also by moving the other authorities concerned to get themselves relieved of an onerous responsibility which they could not discharge without doing injustice to themselves and palpable wrong to the citizens whose rights it is their duty to safeguard. The Chief Justice to-day gave a broad hint not to go into the merits of the case for seizure and we hope that in the light of the public feeling in the country and the gross injustice done to innocent men, the Madras Government will lose no time in taking necessary action.

P. 2 infra.

(P.T.O.)

82/2 966 Sectt. II-53—5,000—9-11-26.

192 8.

The Secretariat Liby DEPARTMENT.

82

77

CUTTINGS FROM NEWSPAPERS.

1. *Name of Paper*— The 'Hindu'
2. *Published at*— Madras
3. *Dated*— 4. 12. 1928.

u.s. Submitted. Dl 7.12.28. Rus 7.12.28

LEGAL

MADRAS HIGH COURT

(Before Their Lordships the Chief Justice, Mr. Justice Odgers and Mr. Justice Beasley)

4th December 1928

BAN ON BHARATI'S SONGS

APPLICATION WITHDRAWN

On instructions from Pundit Harihara Sarma, Printer and Publisher of the late Subramania Bharati's songs, Mr. K. Bhashyam put in an application to-day before Their Lordships withdrawing the revision petition filed by his client against the order of forfeiture made by the Government of Burma confiscating Parts I and II of the poems.

Mr. K. Bhashyam submitted that he was instructed to withdraw the application.

Crown Prosecutor: My Lord, the petition may be dismissed with costs.

Mr. K. Bhashyam: Where is the question of costs in this case?

The Crown Prosecutor said that the legislature had intended that costs may be given and he cited Section 99-E-Rule 10 in support of his position.

He added: If intimation had been given some time earlier, there would have been no bother about it. I may just state that I have spent the whole of last week with the Tamil Translator.

Mr. K. Bhashyam: My Lord, nothing could be done earlier.

Chief Justice: Is this an appeal?

Mr. K. Bhashyam: This is an application, My Lord, a criminal revision petitions. The rule is that no fees are payable in a criminal revision case.

On the merits, My Lords, if the Government undertook to notify it must be because they have already got the translations of all the objectionable passages and must have acted thereupon. It is not a case of a new translation made for them. If there was any cost incurred, it was incurred long prior to the application and not after it. After all this is only the first hearing and any costs to be incurred will be hereafter and not now.

Crown Prosecutor: Even if my friend's argument is correct that the whole book has been translated, I have gone through the whole translation and something by way of costs should be given. I do not claim anything by way of fees because the Government has taken care of that.

The Chief Justice: You need not go into the merits because it will result in hard knocks.

Crown Prosecutor: I, my lord, no!

Is the order one for no costs, my lords?

The Chief Justice: Wait till the order is pronounced. Do you wish to say anything more or do you not?

Crown Prosecutor: No, I do not wish to. If Your Lordship first pronounces order, what is the use of going on?

The Chief Justice then pronounced the order of the Bench:

"This application has been withdrawn and is therefore dismissed."

THE [illegible]TION

The following are extracts from the petition filed by Mr. Harihara Sarma in regard to this matter:

"On the 29th September 1928 a Police Officer by name Mr. Doraiswami Pillai along with some constables, entered the petitioner's office at the abovesaid premises with a warrant for search of the said premises and seized all copies of the said book on the ground that the said books had been forfeited to His Majesty by a notification of the Government of Burma under Section 99-A of the Cr.P.C. No order was then served upon the petitioner; but he had to submit to the seizure by the Police Officer and so delivered the above-mentioned copies in his possession. Subsequently copies of the order were obtained from the Chief Presidency Magistrate's Court and are filed herewith and marked as Exhibits A and A-1, along with copies of the same.

The petitioner learns from further inquiry that the Government of Burma had issued a notification dated 7th August 1928 which had been published in the local *Fort St. George Gazette* dated 11th September 1928 on page 1347 of part I. The petitioner begs to append herewith a copy of the said notification.

The petitioner submits that the order of forfeiture is illegal and *ultra vires*, as it does not state the grounds for the opinion of the Government of Burma that the books contain seditious matter coming under Section 124-A of the I.P.C. The order is too vague and general and does not specify the songs or the passages which are alleged to be seditious. The order is therefore illegal and liable to be set aside.

The petitioner states that the said books do not contain any seditious matter; the songs contained in the said books had been in vogue for the last 30 years and very popular in the Tamil part of this Presidency and large number of copies of the said publication have been sold from time to time to the public, so much so copies of the said books are to be found in almost every household in the Tamil districts of the Presidency.

The petitioner further states that the Local Government of Madras has not taken till now any action in respect of the said publication on the ground that it contains seditious matter. On the contrary, the petitioner is informed and believes the same to be true that the Local Government of Madras is favourably considering the introduction of the said books into the education curicula of schools under its control.

The petitioner therefore submits that the above facts are conclusive to prove that the publication does not offend against Section 124-A, I.P.C.

The petitioner has been seriously prejudiced by the omission in the order of Government to state the grounds of its opinion and is therefore unable to answer the full particulars to this notification.

The petitioner submits herewith for reference two sets of copies of the said books which are in Tamil and he prays that the same or such parts thereof as may be required by the Government to justify its order and such parts as may be required by the petitioner may be translated by the Court into English through the court interpreters or translators.

The petitioner therefore prays that this Honourable Court may be pleased to set aside the said order of forfeiture.

Mr. K. Bhashyam assisted by Mr. E. Krishna Aiyar appeared for the petitioner and Mr. K. P. M. Menon, the Crown Prosecutor, appeared for the Crown.

47 83 C.F. 30-10,000-7-8-26.

Law (General) **DEPARTMENT.**

Public no

Received 11 DEC 1928 192 . Registered 192

ASST. SECY. TO G. CHIEF SECT

URGENT NO.

Subject

Refce.- Govt. Memorandum No. 3758 - 11, Public, dated 10th November 1928.

Bharathy's songs - My letter to Govt. dated 22nd October 1928 and Govt. Memo No. 3758-7, Public, dated 27th October 1928.

ASSISTANT SECY. TO GOVT. 10 DEC 1928

ENCLOSURES.
No. one only
Spare copies Nil

D-No. 126 of 28

Station Madras, Dated the 10th December 1928.

From (Name) K.P.M. Menon Esq., B.A., Bar-at-Law,

(Designation) Crown Prosecutor, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Fort St. George, Madras.

Sir,

Refce.- Govt. Memorandum No. 3758-11. Public, dated 10th November 1928

pp37-39 ante Bharathy's songs - My letter to Govt. dated 22nd October 1928 and Govt. Memo No. 3758-7, Public,
p40 ante dated 27th October 1928.

----

1 You already know from the reply telephone message given to you from my Office on 4th December 1928 that the above case (Criminal Revision Case No. 814 of 1928 - High Court) was withdrawn by the applicant on the above date.

37-39 & 40 ante 2 My previous letters to you have dealt with the difficulty and importance of the case. I spent about a full week, with the Tamil Translator to Government, in carefully going

See Appendix A

(*) pp 50-59 supra

pp 2-37 G.O. 739 Pub (E) 3-9-28

(2). The books are not doubt of high literary value, but the general cry that there is nothing objectionable in them is, I think, erroneous. I herewith append the* poems or stanzas, I consider objectionable. Some of them fall under section 124-A, I.P.C, and others under section 153-A, I.P.C, and some under both. The selections# made by the Burma Government are no doubt mostly wrong, but that is irrelevant before the tribunal (see section 99-D, Cr.Pro. Code). If the passages I append are expunged, the books are publishable.

I have the honour to be,

Sir,

Your most obedient servant,

K P Menon

Crown Prosecutor, Madras.

Appendix. A.

OUR MOTHER.

Book 1.
Pages 20-21.

Stanza 4. She has the Vedas on her tongue. She has an excellent sword in her hand. She would bestow sweet grace on those that approach her. She has shoulders which will kill wicked people.

" 5. Our mother will do her duties with all the sixty crores of her large hands. Our mother will reduce to dust those that pursue her with the object of killing her, and make them lie down.

" 6. Our mother possesses a larger amount of patience than the earth. She has a very pure heart. But when our mother stands before those that commit evil deeds she resembles the cruel Durga

" 9. Our mother will praise those kings that pursue the path of righteousness and do them good. But if they are otherwise, she will swallow them up and then dance with joy.

THIRST FOR LIBERTY

Book I
Pages 31-33
Stanza 5. Oh Supreme Being? Dost thou not see eminent persons confined in terrible jails, and men of erudition undergoing sufferings at oil-presses?

" 6 Dost thou not see numberless good men feeling mortified and disheartened, like children blind of both eyes.

" 7. Dost thou not see loving youths getting dejected, having parted with their wives and children, on account of cruelty?

[redacted]

Stanza 8. Who at all is there excepting thee, my Lord, that will remove the sufferings of those that are in distress, having lost all the natural resources provided by thee?

" 9. Is not pleasant liberty one that was obtained by thy sweet grace?. Persons devoid of love have robbed us of it. Will thou not protect us?.

" 10. Can there be prosperity, if there is no rain? If the freedom enjoyed by our fathers is denied to us, what can we beggars do?

SONG IN PRAISE OF THE GODDESS OF LIBERTY.

Book I
Pages 34 - 36

Stanza 1. Though I leave my comfortable home and am confined in Jail which is full of hardships; though both my position and wealth are changed and I suffer degradation, being accused of many charges; and though innumerable evils of various kinds crop up and destroy me; I cannot forget to worship thee, O Goddess of Liberty!

" 5. O Goddess! Though what is desired by those that, in seeking thy grace, feel highly anxious, and offer their life and love to thee, is the terrible jail, it is worthy of being called the inaccessible heaven.

Song in praise of Sri Krishna.

Book I.
Page 59
Stanza 1.

When will this thirst for liberty be quenched?. When will our fascination for subjection die?. When will the manacles of our Mother country disappear?. When will our afflictions cease and prove to be false?. O Lord! Krishna. Thou didst come to bring about the Bharata War in those days, and thou didst serve as the support of the life of the Aryans. Is it not thy grace that helps to secure victory?. Is it proper that we, who are thy true devotees, should still be languishing?.

" 2.

O Lord Krishna, the destroyer of demons that commit cruel deeds! O Lord that art the most excellent of heroes. O King of the Aryans! Are famine and disease intended for thy true devotees?. Who else in the world is to enjoy excellent things?. Do you forsake the refugees?. Can a mother abandon her child?. Is it not thy duty to bestow thy grace, saying 'Do not fear'?. O Lord. Hast thou too forgotten thy duty?

THE FRENZIED OR GOADED MOTHER.

Book I
Page 63.
Stanza I

Lo ! Our Mother is as terrible as a devil. Our Mother is mad to a great degree. Our Mother loves Siva who carries glowing fire in his hand.

" 5.

Is the Bharata war a light affair?. She will shine in the bow, in the hand of valiant Arjuna. Though a crore of mighty charioteers come up, she will kill them in a moment and revel in their blood.

THE WORDS ADDRESSED BY AN ENGLISHMAN TO A PATRIOT.

Book I
Pages 76-77

Stanza 1. You have established the desire for liberty throughout the country - You have kindled the fire.

I will torment you, and restrain, and clap you in Jail. I will exhibit my power.

" 2. You have assembled together and cried Vande Mataram. You have reviled us.

You have steered ships with the idea that we should take to our heels. You have thereby amassed wealth.

" 3 You have stated the truth to the people who are cowardly - You have transgressed the law.

You have mocked at people, saying that it is degrading on their part to die here, in an impoverished condition - You have spoken words of valour.

" 4. You have made men, of slavish eunuchs - You have put an end to their low condition.

You have redeemed those that were content with their poverty, from their low position. You have instilled desire in their minds.

" 5. You have roused those that took to service alone, for their occupation . You have sought fame.

You have shown the ways for learning all sorts of avocations . You have thereby dispelled langour.

" 6. You have induced this desire for swaraj everywhere. You have sown its seeds.

Is a small rabbit to do the work that is to be done by a lion? Are you to prosper?

" 7. I will order you all to be shot down, so that people may gain good sense. I will stab and kill you.

Are there any persons to contradict me? I will cast you into prison - I will wreak vengeance on you.

THE REPLY OF THE PATRIOT TO THE ENGLISHMAN.

Book I
Pages 77-78
Stanza I. We will not die, rendering slavish service to foreigners in our own land - We will not fear hereafter.

Will these acts of injustice be approved in any country whatever? Will Providence tolerate these.

" 2. Until life becomes extinct in us, we will praise Mother by saying Vande Mataram - We will bow to her.

Is it degrading to us to praise our Mother, who is as dear to us as life? Is it shameful?

" 3. Is our wealth to be looted at all times? Are we to die?

Are we to be crying? Are we not men? Is life so sweet?

" 4. Are all the thirty crores of us dogs?
Are we porklings?
Are you alone men? Is this justice?
Or is it obstinacy?.

" 6. We have understood that the path of union alone is the proper path. We are thoroughly convinced of this.

We shall not be bewildered by all the cruelties perpetrated by you further. We shall not be perturbed in mind.

" 7. Will your idea be accomplished even if our flesh is hacked to pieces? Will our soul rest in peace?

84

through the whole of the two volumes of the publication, in discussing with him the shades of meaning and the insinuations contained in various passages, and in selecting those that were objectionable. Elaborate notes of arguments were prepared, and relevant authorities tabulated, with the help of the junior Counsel mentioned in my previous letters to Government. There was also the further difficulty of adjusting my other work in court. In these circumstances, I request the Government to pass a fresh G.O. (in modification of Government Memos Nos. 3758-7, and 3758-11, Public, above-mentioned) allowing me a fee of Rs.500/- (half the settled fee of Rs.1000/-) and allowing my junior Mr. P. Govinda Menon, a fee of Rs.100-

3 Now that so much of labour has been spent on this matter, and so much of agitation has centred round this question, I beg to place before the Government (when the details are still fresh in my memory) a brief result of my study of this case.

(I). It was very likely that the case would have been thrown out, on a preliminary point I was going to raise, questioning the jurisdiction of the Madras High Court to sit in judgment over an order of forfeiture by the Burma Government. Whenever any "local Government" passes such an order, any Police Officer, anywhere in British India, can seize the publication, (see section 99-A, Cr. Pro. Code). The seizure was no doubt in Madras, but the order to be cancelled was that of the Burma Government, and prima facie, the application by the aggrieved party lies in the Burma (Rangoon) High Court, and not in Madras.

Will the great devotion filling our heart pass away? Will our hearts burn?.

Book I
Pages 70-71

A slave rendering menial service. The words addressed by an English Official to an inhabitant of the land of Bharata who asked for swaraj.

Stanza I

You are a slave doing menial service - Can you think of liberty, you fellow?.

Have you had it in the past? Do you deserve it?.

" 2. Have your caste disputes disappeared?. Have your religious quarrels ceased?.

You have come to preach justice - You fellow; you are unfit to stand before my eyes. Get away.

" 3. Have you lost all fear? - Slave!. Have you become manly?.

Have you given up cherishing the desire for living by begging?.

" 4. Will you go on board a ship? Slave!.

Will you cross the seas?.

Slave! Can a dog, which likes a dunghill, aspire to a royal seat?.

" 5. Have you learnt to become united? Slave!.

Have you got strength in your body?.

Do not utter vain words - Slave!. Do you know what valour is?

" 6. Will you live in union?. Have your petty characteristics disappeared?.

Have you ceased to droop in despendency?. Have you blotted out your laziness?.

Stanza 7. Have you given up trembling with fear, at sight of the white colour?.

Listen, I will tell you the truth - You cannot have liberty!. So forget it, you fellow!

" 8. Have you the least knowledge of defending the country?.

Go and guard your house. - Go and attend to your slavish work, you fellow!

" 9. Can you lead an army?. Will you not desire to do menial service?.

It is only low occupations that will suit you all, best. Get away, you fellow!

THE SLAVE OF GODDESS BHARATA.

Book I
Page 75

(Pallavi) I am not, indeed, the slave of foreigners. I am not, indeed, the slave of foreigners.

Stanza I. I am a slave at both the feet of Goddess Bharata of great renown. (I am not etc.)

" 2. I am a suitable slave of the Sage Tilak who embodies in himself all the great virtues shining on this earth.

(I am not etc.)

" 3. I am a slave of eminent Bhupendra who goes into the terrible jail with a smile.

(I am not etc.)

" 4. I am a suitable slave of our Pal (Bepin Chandra Pal) who will not swerve from truth though he may stand before the God of Death.

(I am not etc.)

Stanza 5. I am a slave at the feet of Brahma Bandhava, who will not abandon righteousness though he may be cast into the burning fire.

(I am not etc.)

Book I
Page 79

SONG IN PRAISE OF LAJPUT RAI.

Stanza I. Even though the Sun is placed in the skies, do we not see its rays coming fast and giving light to our eyes? O Lajpat! Though they have, in wrath, deported you so that you may not live on the soil of this land, what will they do for your growing ceaselessly in our minds so as not to be forgotten by us all?

" 2. It is not diffcult to get hold of a man, deport him to a place beyond several countries, and do him injury. Though they have done this easily, innumerable are the men who, knowing well the greatness of that eminent person, are cherishing him with -- affection in their hearts as if he were a God. Who is to live here, if all these persons are to be driven out ?

" 3. Who, among those that have led lives of devotion, has escaped great hardships? Can we describe the terrible cruelties to which the son of Hiranya (Prahlada) was subjected, in consequence of his devotion to Narayana (God Vishnu). Is it then a matter for wonder that those who are conspicuous for their devotion to the land of Bharata and who are heroic in their minds, undergo many dire troubles?

Book II. SWADESA GITANGAL.

Page 1. (Pallavi)

May the name of Tilak live long! May it live long!
May tyranny fall ! May it fall !

Stanza I. May all the four sides resound with the cry of independence!
May the life of slavery, which is comparable to hell, wear out and pass away!
May the darkness that oppresses the intellect of capable persons disappear!'
May fear disappear from the world for ever!.
(May the name etc.)

" 2. He built the strong fortress of education.
He dug a moat of good ideas around it.
He built in it the temple known as elucidation of words.
He hoisted the flag of independence on it.
(May the name etc.)

" 3. His name indicates the boat that crosses the sea of misery.
His name indicates the device that drives out the devil of langour.
His name indicates the fresh flower wherein the honey of love forms and overflows.
His name is the sign that indicates what is known as manliness.
(May the name of etc.)

Book II.

Pages 125 - 127

PUDAIPEYÁR PATTU.

Stanza I

How long are we to be under bondage and suffer loss of greatness in this world? Come on! we shall bring about a happy life which is devoid of any connection. Is this body everlasting? This is certain to die one day or other. The father is indeed one who will die. The mother too is one who will die.

" 2.

Children, wife, and wealth, are all the products of the actions of Vishnu. Spurn at once in contempt these that cause sorrow. Oh Indians! Rise and enter upon the righteous war, for getting rid of the highly cruel and mean slavery, and leading an excellent life.

96 96

Public Department.

Confidential

LETTER No. 3758-1/5 dated 19-12-28.
Ref.

90

To

The Chief Secretary
to the Government of Burma,
Home and Political Department,
Rangoon.

(with copy of the proceedings of the Legislative Council on the adjournment motion).

R-D. 19-2-29.

Sir,

Books and publications (Seditious) - Tamil booklet - "The National Songs, Parts I and II" by C. Subrahmania Bharathi - Forfeiture - Ref. correspondence ending with your telegram No. 289 C, dated 15-10-1928.

p 19 c.f.

I am directed to state that the local publisher of the above booklet having moved the High Court for permission to withdraw the application filed by him under section 99B of the Criminal Procedure Code against the order of forfeiture passed by the Govt. of Burma, the High Court on 4-12-1928 dismissed the application as withdrawn.

pp 3-6 c.f.

3-5-28

p 45 c.f.

2. The Government of Madras are not aware of the circumstances which led

led the Government of Burma to issue the notification under section 99-A, of the Criminal Procedure Code but I am to bring the following facts to the notice of that Government. These songs are published in Tamil which is the language of 41 per cent of the inhabitants of the Madras Presidency; they have been in common use among the Tamilians in this Presidency for about a quarter of a century. Neither the Government nor any other body or person in this Presidency has raised any objection to the publication of these songs during this period. When, in consequence of the republication of the Burma Government's notification in the Fort St. George Gazette the Madras Police seized some books containing these songs, an adjournment motion was moved in the local Legislative Council. In the course of the debate on that motion every section of the House condemned the action of this Government in permitting the seizure

of

x according to census report of 1921 - page 134 (410 per thousand or 41 per cent)

62 98 98 91

+ p 38 g (F)
90972 Publ
1-11-28

of the books. The motion was pressed to a division and carried by an overwhelming majority. Practically every member except the nominated officials and the Government members voted in favour of the adjournment motion. Copies of the motion and of the discussions on it are enclosed.

pp 36-39 g (F)

pp 5-39 g (F)

The feeling in this Presidency against the notification is very strong. At every sitting of the Legislative Council since the publication of the notification in the Fort St. George Gazette the Government have been questioned regarding their action in the matter of these songs. The Government of Madras doubt whether the particular songs on which the Government of Burma based their notification can be regarded as distinctly seditious. The publication of the notification by the Govt. of Burma has therefore placed this Government in a very embarrassing position

p pp 2-39 g 90739 Publ (F)
3-9-28

at p. 18 E

99 94 K63

position and now that the application in the High Court has been withdrawn the Government can no longer take refuge behind the plea that the matter is 'sub judice'. As these songs have been in use for so many years it is now impracticable by means of a notification to prevent ~~them~~ them being sung by the people ~~in private places~~. So far as this Presidency is concerned the notification has indeed only drawn attention to them and stimulated interest in them.

In these circumstances I am directed to ~~request~~ express the hope that ~~unless the Government of Burma have strong objection to this course,~~ the Govt of Burma will see their way to cancel the notification issued by them in respect of the booklet in question ~~may be cancelled~~.

I have etc.

13.12

64 100 100

Telegram No. C.28 dated 31.12.1928 from the Chief~~x~~ Secy, Burma, deciphers (paraphrased):

92

Please refer to your No. 3758-13 Confdl-~~dated~~ Public Deptt dated 19.12.1928. The notification is bein cancelled in the Burma Gazette of 5.1.1929.

M.Y.
3.1.192~~8~~

68 101 101

Public Department.

93

MEMO No. 3758/28(64?) 7-1-29.

Confidential.

Books and publications - The National Songs, Parts I and II, by C.Subrahmanya Bharathi - Forfeiture - Cancellation - Continuation of Memo No.289S. dated 12-10-1928.

p17 c.f.

------

p.64 c.f.

The Government of Burma have intimated that their Police Department Notification No.178 dated 7-8-'28 is being cancelled in the Burma Gazette of 5th January 1929.

p10 G.O. 739 Pub (E) 3-9-28

2. All copies of the National Songs seized by the Police should be returned to the owners.

vide pages 5-6 G.O. 973 Pub (R) 1-11-28

3-1-29.

2K 3.1.29

4.1.29

To the D.I.G. of Police, Eastern Range, Rys. & C.I.D., Madras.

,, the Commissioner of Police, Madras.

4.1

Take an extra copy please

8/1/29

711

Confidential.

PUBLIC DEPARTMENT. 66

C.F. 30. 102 102

CHIEF SECRETARY 18 JAN. 1929 GOVT. OF MADRAS

Received .... 192 . Registered .... 192 .

94

Subject.

Books and publications - The National songs, Parts I & II by C. Subrahmanya Bharathi - Forfeiture - Cancellation - Return of copies seized, to owners.

ENCLOSURES.
No Nil
Spare copies Nil

No. 59/10/29

Station MADRAS Dated the 17th January 1929.

From (Name) C.B. Cunningham Esq.,
(Designation) Offg. Commissioner of Police,
Madras.

To The Chief Secretary to the Government of Madras,
Public Department.
Fort St. George,
Madras.

Sir,

With reference to the Government Memorandum No. 3758/28-14, Public, dated the 7th January 1929, I have the honour to state that the Chief Presidency Magistrate, Madras, was moved in the matter and that he has passed orders directing the return to the owners of all copies of the National songs seized by the police.

I have the honour to be,
Sir,
Your most obedient servant,
C.B. Cunningham 17.1.29.
Offg. Commissioner of Police.

67 103

UNDER SECRETARY
22 JAN. 1929
CHIEF SECRETARIAT

103

95

POLICE DEPARTMENT.

NOTIFICATION.

Dated Rangoon, the 2nd January 1929.

No. 8.—This department Notification No. 178, dated the 7th August 1928, declaring to be forfeited to His Majesty all copies of the booklet in Tamil, entitled "The National Songs, Parts I and II," composed and published by C. Subramanya Bharathi in the Bharathi's Asramam at Triplicane, Madras, is hereby cancelled.

By order.

J. CLAGUE,
Chief Secy. to the Govt. of Burma, Home and Political Dept.

No. 289C28.

Dated Rangoon, the 12th January 1929.

Copy forwarded to the Secretary to the Government of India in the Home Department for information.

Copies to the Governments of Madras, Bengal, Bihar and Orissa, Assam, Punjab, United Provinces of Agra and Oudh, and Central Provinces for information.

Copy to the Government of Bombay for information.

Copy to the Secretary to the Chief Commissioner of Coorg for information.

Copy to the Chief Commissioner, Delhi, for information.

Copy to the Secretary to the Chief Commissioner of the North-West Frontier Provinces for information.

Copy to the Inspector-General of Police, Burma, for information.

Copies to all Commissioners of Divisions for information.

Copies to all District Magistrates for information.

Copy to the Commissioner of Police, Rangoon, for information.

Copy to the Deputy Inspector-General of Police for Railways and Criminal Investigation, Burma, for information.

Copy, with thirty spare copies, to the Chief Collector of Customs, Burma, for information.

Copy, with 365 spare copies, to the Postmaster-General, Burma Circle, for information.

Copy to the Inspector-General of Police, Mysore, for information.

Copies to the Postmasters-General, Bengal and Assam, Calcutta, Bihar and Orissa, Patna, Bombay, Central Circle, Nagpur, Madras, Punjab and North-West Frontier Province, Lahore, United Provinces, Lucknow, and Sind and Baluchistan, Karachi, for information.

By order.

J. B. G. BRADLEY,
Under Secy. to the Govt. of Burma

Printed by order of the Government of Burma.
G.B.C.P.O.—No. 892, H.P.D., 7-1-1929—100.

104 104

Public Dept

06

Subject. — Books and publications — Subrahmania Bharathi's National Songs, Parts I & II — Forfeiture — Appln under § 99 B. Cr. P.

pp 1-2 ct CA No 3758 From the Regr, High Court of Madras, 1964 J. Crl. RC No 814 of 1928 d 9.10.28

"Put up at once"
M. W. W. M. Y.
10.10.28.

Submitted.

2. Papers relating to the proscription of the above publication are put up in the L. C. Qn[x] & adjournment motion[&] files on the subject — See linked files.

3. The attitude of Govt in regard to the Criminal Revision petition filed in the High Court is for orders. The Crown Prosecutor has to be given instructions.

x Since disposed of by GO 973 Pub dt 1-11-28 (R)

& Since disposed of by GO 972 Pub dt 1-11-28 (F)

(disposed of by (F) + (R))

pp 3-6 ct

T / P.T.

MY. 10.10.28

2K 10.10.28 C.S.

UNDER SECRETARY ... CHIEF SECRETARIAT

For orders.
[initials] 10/10

C4

C2

GO's are also requested as to whether the draft reply (linked file) is approved.

[initials] 10/10

x (R)

(P.T.O).

105

5/11/x

The Crown Prosecutor may be asked to represent to the High Court that this Government is communicating with and taking instructions from the Government of Burma with reference to the conduct of the case.

2. It may not be possible for the Government to give definite instructions to the Crown Prosecutor before the 17th instant, after getting the instructions from the Government of Burma. The Crown Prosecutor may therefore be requested to make this representation to the High Court at once, that is, even before the 17th instant and get an adjournment of the case.

× The date on the petition [illegible]

3. An urgent cable may be sent to the Burma Government and they may be asked to give us ~~special~~ instructions regarding the conduct of the case. They may also be asked to point out the specific passages in Parts I and II of the books in question, which are considered to be seditious.

See p. 2-3 of [illegible] 789 (E) 3-9-28

4. My Hon. Colleague C-1 should also see this. In fact I have already had a conversation with him on the subject.

5. Please collect all the papers relating to Barathi's Songs, available in all the sections in the Secretariat and let me have a note on them. I should like ~~to~~ also to see the papers with the note.

[initials] 11-10-28

CHIEF SECRETARY, GOVT. OF MADRAS, 11 OCT. 1928

I agree to the course proposed by my Hon. Coll. C4 [initials]. 11/10/28

UNDER SECRETARY, 11 OCT. 1928, CHIEF SECRETARIAT

[illegible]

C1 [initials] 11/x

[initials] 11.10.28

106/106

p 2 ante

H.M.C.L.'s note on p 2 ante.

Para 2 of the note. – A draft Memo to the Crown Prosecutor is submitted 97

Para 3 of the note. – A draft telegram to the Govt of Burma is subd. English translations of the specific passages to which the Govt of Burma took exception will be found on pp 2-3 of E.O 739 Pub d 3.9.28

E

Para 5 of the note. – A draft u.o note to the Depts of the Sectt. is subd.

ZK
12-10-28

I have suggested a month as the period of adjmnt.

[illegible] 12.10.28

C.S.

[illegible]

[illegible]

The drafts are for approval.

As regards the objectionable passages in the songs, I find that the so-called 'translations' sent by the Burma Govt. are far from accurate. Indeed they frequently purport to give only the general sense and that only if interpreted in an anti-Govt. spirit. The poems quoted for the most part contain the vague aspirations towards freedom, manhood, independence etc

E
pp 2-3

7/12.X.

E/p 3

4 107 107

so on with which one is sufficiently familiar. The most objectionable verses seem to be the ~~dialogue between~~ address by a European ~~&~~ to an Indian & the 'reply' of the 'patriot' to ~~the~~ European. 98

2 I suggest that the Tamil translator be asked to give us an authorised translation of the poems in which ~~these passages occur~~.

3 I suggest that in future when a certificate, such as that issued by Burma, is recd. from another province, the orders of Govt. N. E. passed before it is ~~published~~ in our ~~English~~ Gazette published / & before action is taken by ~~the~~ Police.

A | and also if any new passages etc to B. etc. may send etc. wkr

yes. wkr 12.10.28

yes. wkr 12-10-28

HCS

C.S. 12/10

yes. Is the Crown Prosecutor the proper person, i.e. the person who ordinarily appears for Govt in cases like this? If not the A.G. may be asked. I don't know. wkr 12-10-28

UNDER SECRETARY 12 OCT.1928 CHIEF SECRETARIAT

CHIEF SECRETARY, 12 OCT.1928 GOVT. OF MADRAS

UNDER SECRETARY 12 OCT.1928 CHIEF SECRETARIAT

The Crown Prosecutor seems to be the proper person to appear in this case - Please see para 1 (9) under Sec IV on p 7 of G.O. 2306 Law (Genl) d/ 19.9.23. Perhaps Law (Genl) ×may be consulted

2. It is presumed that action with ref.

RK 12-10-28

(T)

× They were informally consulted. The Crown Prosecutor has not yet received any notice from the Magl. Court.

108 5 108

to para xx of C-S' note overleaf is
to be taken after Burma Govt's reply is received | Ins. Do it now. [initials] 12/10
Please see H. M. Ch's remarks at
A overleaf.

RK
12·10·28

This is a criminal matter & seems to fall to the C.Pros. It is not one in which the Adv-Genl would normally appear. ~~in the matter~~ ~~[struck]~~ The application has been filed within the City itself so the Pub. Pros. is not concerned.

MY 12·10·28

C.S.

I agree. [initials] 12/10

see 1(9) under Sec IV on p 7 of
para 1-3
2 & 3 of
para 2 p 3
see Sec III on p
of (T)

UNDER SECRETARY 12 OCT. 1928 CHIEF SECRETARY

The Memo to the Crown Prosecutor has issued as also the telegram to the Govt of Burma & the U.O note to the Depts of the Sectt.

With reference to C-S' orders above, a draft memo to the Senior Translator to Govt is submitted.

MY 13·10·28

RK
13·10·28

pp 13-16
p 15 cf
& p 6 cf

[Issued as Memo No 3758-2 Pub of 13·10·28] p 16 cf

109

Public Department

Special

99

U.O. Note No. 3758-1 dt 12.10.28.

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Sec. 99 B - Cr.P.C.

In connection with an application under Sec. 99 B-Cr.P.C. filed in the High Court of Madras by the Supt. of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Sec. 99 A issued by the Govt. of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C.J. has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Depts. of the Secretariat may be requested to send at once to this Dept. any paper they have on the subject together with a short note setting out the present stage of each paper.

To Edn. Dept. etc

It has been stated that these songs, or a selection or specially edited edition of them, have been adopted by Govt. for use in schools. If so, a copy of the book as thus approved should be forwarded.

To all Depts of the Sect.

(all sections)

RK 12.10.28

12.10.28

12/10

Dpd. by ... 4.30 PM 12.10.28

16 110 110 100

Edn. Dept.

With reference to A in the Public Dept. note on page ante, attention is solicited to the notes in the linked file regarding Legve. Council Question No. 138, which has not yet been answered in the Council. In the Question referred to, Mr. Harisarvothama Rao has asked, ~~Question~~

(a) whether the Indian national song "Vandemataram" has been introduced into the schools in local board areas and

(b) if not, whether Govt. will immediately issue instructions that the class day should hereafter begin with this song.

The Director of Public Instruction ~~his~~ is not in favour of introducing the song in schools. The Hon'ble the Minister for Education has suggested that the Govt. may promise to consider the question of introducing the ~~song~~ song in schools, if any local body applies for sanction. H.E. the Govr. has asked for a copy of the song. The D.P.I. has been asked to furnish an English translation of the song, and it is awaited.

2 With reference to B in the Public Dept. note on page ante, it may be mentioned that the Govt. have not adopted any of Bharati's songs for use in schools.

1 of the linked file

Submitted & sub. to D.P.I. on [illegible]

What was 'Bande Mataram' Got to do with Bharathi? He is not the author of that song.

[illegible]

D.P.I.'s note on page 5 n.f. in the linked file

Submitted & sub. to D.P.I.

3. The file may be sent to the Public Dept. u.o. with the linked file. Two of the G.O.'s referred to in the notes in the linked file have been missing from the file and the depts. of the Secretariat have been requested to make a search for them in their offices.

[illegible] 15/10

[illegible] 15/10

[illegible] 16-10-28

Public

G.O. No. 2019 [illegible]
No. 1263 [illegible]
pages 4 & 5 [illegible] linked file.

[illegible]

[illegible] 4390 [illegible] 1
16-x-28

not traced [illegible]
[illegible]
1/11/28

The telegram from the Govt of Burma on p 19 CF is subd for orders with reference to paras 2 + 3 of H. M. C.'s note on p 2 ante.

2. All depts except Law Edn ✻ + L. S. G. have replied the U.O. note sent to them with reference to para 5 of H. M's note. They have no papers bearing on the subject. Replies of Law ✻ Edn + L. S. G. will be put up as soon as they are received.

✻ Since received See pp 16-17 ante

p 6 ante

See pp 7-15 ante

✻ Since received See pp 16-17 ante

2K
16.10.28

WMJ 16.10.28

C.S.

Law Edn Dept's reply has since been received + is on pp 16-17 ante.

2K
16.10.28

pp 16-17 ante

Law (Edn) notes refer to the question of refusing or allowing the song 'Vande Mataram' to be sung in schools; I venture to suggest that, before a song which has been for years adopted as the song of the party which opposes the Govt of India as by law established, is accepted by Govt as suitable for the young in Govt schools, it is desirable that the question which is not purely

19 113 113

18/12/x

[illegible] situation [illegible] sh[oul]d be considered in its political aspect by the Govt as a whole.

102

2. On this file, however, we are not concerned with 'Bandemataram' which is not a song of Bharathi. Have we yet got the Translator's version of the particular songs which Burma object to? If not, ask for them sharp. The other matters we were asked about may be reported on later.

para 3 p 16 CF

[illegible] 16/10

UNDER SECRETARY [illegible] CHIEF SECY

Issue at once memo on p 19 cf.
[illegible] 16.10.28

p. 19 CF. [Issued as Memo No. 3758-3 Pol. d/16.10.28]

p 20 CF (C No 3859) From the Crown Prosecutor dated 16.10.28

p 19 CF (The reminder to the Senior Translator to Govt issued yesterday).

The letter from the Crown Prosecutor on p 20 CF is submitted for perusal. Burma Govt's instructions referred to have since been received and will be found on p 19 CF. The receipt of the translations called for in para 2 of the Memo on p 16 ante may be awaited.

R. D. 18/10/28 JK 17.10.28 CS. [illegible] 17.10.28 [illegible] 17/10 C4 [?]

1164

20. 1164

yes; and as soon as the translations are received, they may be sent with the original Tamil Songs to the Crown Prosecutor with instructions to oppose the petition in the High Court.

[illegible]
17-10-28.

... SECRETAR...
17 OCT, 192...
...T. OF MADRAS.

24 115 115

CUR 3367

103

I. No.669-1.

SENIOR TRANSLATOR'S OFFICE
C. No. 1229
17 OCT 1928
MADRAS

Note for the Senior Translator to Government.

p19 CF

Reference:- Memorandum No.3758-3, Public, dated the 16th October 1928.

p16 CF

Memorandum No.3758-2, Public, dated the 13th Idem was received by the undersigned only on the evening of the 14th[x] Instant. He immediately proceeded to examine critically the two volumes of Bharati's songs -- received with it, and make a note of the passages of an objectionable nature which require to be translated. However, on receipt of Memorandum No.3758-3, Public, dated the 16th Instant, last evening, the translation of the passages in these volumes extending over 16 pages of printed matter, to which exception has been taken by the Government of Burma, has been taken on hand and every endeavour will be made to submit the same to Government by tomorrow evening. The translation of other passages of a similar nature in the two volumes will be taken up thereafter and submitted to Government as expeditiously as possible.

p19 CF

x The despatch entry on p16 CF shows that it left the Sect at 4 P.M on 18/10 - The delay was probably in transit from the Senior Translator to the Tamil Translator

ASST. SECY. TO GOVT.
17 OCT. 1928
CHIEF SECT.

M. Saravana Muth[illegible]

Madras,
17th October 1928.

Tamil Translator to Government.

Ans
No. 1229

~~Forwarded~~ to the Chief Secretary to Government, Public Department.

B. Rama Rau
Senior Translator to Govt.
17.10.28.

Put Depty

Subd for per[illegible]

2K
17.10.28

42009 116

104

23

Special.

Public Department.

U.O.Note No.3758-1 dated the 12th October 1928.

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C.4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

Law Dept

Public may be informed that there (under consideration) are no papers on the subject in this Dept.

Three G.O's on the subject were issued

Recd on A, 16/10.

15-10-28

P.T.O.

24 117 117

SO 2218 L&M 12.9.23
SO 986 L&M 26.4.23

were issued in this dept, two of which are put up in the Law (Edn) Dept. G.O. no: 989 L&M dated 14.4.24 is available & it is put up at (L) in this C.O.

Cue 16/10/28 The papers relating to the singing of Bharathi's songs in the college & schools in the Salem municipality were recorded.

16.10.28

16.10.28

17/10

ASt
Sec
Public

17/10

17/10/28

42009-1 L&M (R)
17.10.28

Public Dept

(Pages 1-6, 16-20 and 23-24 only need be read)

The translations sent by the Senior Translator are subd for perusal.

2. Para 2 of C.S.'s note on p19 and the marginal remarks on p16 ante. — It is observed from the translations on pp 22-23 CF that the first few songs in Part I of Bharathi's songs are entitled 'Vandemataram'. It is understood that there are other songs also going under the same name written by different authors. Mr Harisarvothama Rao M.L.C has not specified the author of the particular Vandemataram

He refers to the [illegible] National song 'Bande Mataram'. This is obviously the original Bengali one & not Bharathi's or Tagore's efforts.

118

~~25~~ 118

Song he refers to in his question in marked file No IV

3. Para 5 of H.M.C4's note on p2 ante. —
A draft note is subd at flag (K)

4. H.M.C4's note on p 20 ante. —
A draft memo to the Crown Prosecutor is subd

IK
19.10.28

Surely there is only one song regarded as the Bandemataram?

MJ 19.10.28

C.S.

Yes. It was a Bengali song a ode which occurs in a 'novel' written I think about 1800 or earlier by one Bankim Chandra Chatterji & published about that date. The name of the novel was "Ananda Asram" I believe. ["Ananda Math" ms.] It remained obscure, except among Bengali scholars, until about 1905–06, when Lord Curzon's partition agitation was on. The song was then adopted as the anthem of Bengali 'nationalism' & has passed thence into wider repute as the anthem of the ~~[illegible]~~ Indian nationalism, and more especially of the anti-British section of it. It was with reference to the Bengali song that I made my remarks, assuming that Bharathi's song of the same name was a version of the Bengali one. But, whether it is the same or different, it remains I submit desirable that a poem bearing such a title should not be adopted for use in Govt. Sch[ools] by Govt. as a whole without consideration of the political, and not merely the educational aspects of it. Pl. see my note at p. 18-19 ante. It will be

~~126~~ 119 119 106

be observed that the question in Item IV refers, not to Bharathi's version, but to the 'Indian National Song' called Bande Mataram, which can only mean the well-known Bengali one.

We have now got the Tamil translator's version of the songs to which Burma have objected, & I confess that, if the translator's version is accurate, there is nothing to object to ~~except~~ possibly as constituting an offence under 124-A I.P.C. Except possibly the 2 poems, entitled an "address by an English official to an Indian" (which contains various reproaches in a somewhat offensive form); the second 'address by an Englishman to a patriot', & also the patriot's 'reply'.

See pp. 26 – 31

The ode in praise of Belgium, in itself, is harmless; it may however be intended to suggest that, as Belgium withstood the German invader, so ought India to resist the British 'tyranny'. But I doubt of this could amount to an offence under § 124-A.

See pp. 31 – 33

If the application to the High Ct in

12/1914

27 ~~120~~ 120

to be opposed, we may instruct the Crown prosecutor accordingly, & send him the translation & the books. (07) The case has been adjourned to Oct. 3rd.

I doubt if the proscription will be upheld, however —

[illegible]

Seen

C.S. [illegible]

I generally agree with C.S.

draft memo to the crown Prosecutor is approved. The memo, the books & the translations may be sent at once to C.P. with instructions to oppose the petition in the High Court.

[illegible]

20.10.28

P. 36 CF

C No. 3938

P. 37-39 CF

[Issued as Memo No 3758-4 Pub dt 20.10.28.

from the Cr. Prosecutor dated 22.10.28.

121 121

Pub Dept.

108

Books & publications — Bharathi's national Songs, Parts I & II — Forfeiture — Appln under Sec. 99-B. Cr. P.C.

Please see the note of the Tamil Translator to Govt on p21 C.F. The main file connected with the subject is now in Finance.

2. No action is now necessary in respect of paras 1 & 2 of the Translator's note. The omission pointed out in para 3 of the note may be brought to the notice of the Crown Prosecutor. Draft subd.

2K
26-10-28

CS

MY 26.10.28

[signature]
26/10

Ex

A revised draft is subd with ref. to C.S' marginal remarks. After issue, the file will be circulated to H.M.C.L.

2K
27.10.28

MY 27.10.28

[signature]

UNDER SECRETARY
27 OCT. 1928
SECRETARIAT

[Issued as Memo No 3758-6 Pub d 27.10.28]

(Margin:) I have now written to the Crown Prosecutor. [signature] 26/10

(Margin:) & since received & subd separately

(Margin:) now on tour returns 2/11/28

2. 122

Please see the further communication from the Tamil Translator on p 25 CF.

Draft memo to the Cr. Prosecutor is subd.

2K
30.10.28

C.S.

[illegible] 30.10.28

$\frac{1}{1.11.28}$

[illegible] 30/10

UNDER SECRETARY 30 OCT. 1928 CHIEF SECRETARIAT

[Issued as Memo no 3758-8 Pub of 30.10.28]. p. 35 CF

C 4. [illegible] 3-11-28.

UNDER SECRETARY 5 - NOV. 1928 CHIEF SECRETARIAT

CHIEF SECRETARY, 5 - NOV. 1928 GOVT. OF MADRAS.

Please see the letter from the Crown Prosecutor at pages 37-39 c.f. The following remarks are called for:- 109

p 37 cf

Para 1 of the letter. The Crown Prosecutor's contention is that the matter before the High Court does not fall within the scope of his duties as defined in sec IV on pages 7-8 of G.O.No.2306 Law. (Genl.) dated 19-9-1923. Reference is solicited to the notes on pages 4-5 ante. If the C.P.'s contention is accepted the question for consideration is whether he should be allowed to conduct the case with the help of a junior or whether the Advocate General should be instructed to appear. The C.P. has stated that the case is a difficult one.

(T)

& See para 7 p 39 CF

para 5 p 38 CF

2 If it is decided that the C.P. may conduct the case it is for orders whether the special fee demanded (Rs.1,000 for himself and Rs.350 for the junior) will be approved. In a recent case × where the C.P. opposed an application for the issue of a writ of Mandamus against the Commissioner of Police he claimed a special fee of Rs.600 on the ground that that case did not fall within the scope of his duties. It is proposed to sanction him the fee claimed. The present case is said to be a difficult one and likely to last for 4 or 5 days.

para 9 p 39 CF

× File in Fin

para 5 p 38 CF

3 This is not a case in which the Advocate General would normally appear, and if he is asked to conduct it he will have to be paid a special fee. The amount has to be fixed by Government. See para 5(iv) under section I on page 4 of G.O. 2306 Law(Genl) dated 19-9-1923. Perhaps the fee may be fixed at Rs.350 a day. See para 3 of G.O.84 Political, dated 11-9-1926 for a recent precedent.

See pp 2-3 of T + the S' note p 5 ante

(T)

(B)

The

124 124

4 The Advocate General may require the assistance of the Crown Prosecutor. The latter can claim extra remuneration for any assistance rendered to the Advocate General in a case not appertaining to his duties. The remuneration for the Crown Prosecutor, in case his assistance is sought by the Advocate General, has also to be fixed. See end of para p 3 of (T)

5 Funds. The expenditure is debitable to "24-b-Administration of Justice - Law Officers - honoraria (Voted)-Fees to Government Pleaders in civil cases, criminal cases, pauper suits, and escheat cases". As the present case arose out of an order of forfeiture issued by the Burma Government it would seem that the expenditure is debitable to that Government. The point for consideration is whether the amount involved is substantial for raising a debit. This, however, is a matter for consideration in Finance. See para 3 in (B)

E / p 1

A

6 Para 4 of the letter. Law (Legislative) Department may be asked to issue the necessary instructions to the Tamil Translator. p 39 CF

7 After orders are passed on paras 1-4 supra the file may go to Law and Finance with reference to paras 5 and 6

2K
24.10.28

It seems to me the C.P. is on the make & ~~that~~ ~~this~~ does fall to him. Law, however, ~~the~~ are the official expounders of his duties. If it is held ~~that~~ this should be treated as a special case outwith the C.P.'s functions, then let us have the Adv-Gen.

Wy. 24.10.28

& 'To appear in every petition - in ~~the~~ H.C. on notice - 31(1) p 7 of (T)

It seems to me that the question

C.S.

30 125 125 (110)

are for Law, not Public, to examine.
The case will doubtless be a different one, and, if so it's not the job of the C.P., I wd: give him his fee & his junior etc. Send the case to Law.

[initials]
24/10

UNDER SECRETARY
24 OCT 1928
CHIEF SECRETARIAT

U.O. No. 3758 of Pub. Law
24.10.28.

Law/813/Depts.

ASSISTANT SECY TO GOVT
24 OCT 1928
LAW DEPT.

C.P. 5772 B
25.X.28

Secy

The points for consideration in this Department are

(1) Whether the duty of conducting the defence in Criminal Rev Case No 814 of 28 falls on the Crown Prosecutor or not.

(2) If so whether he is entitled to any fee.

(3) If a junior is to be allowed what should be the fee to be paid to him and

(4) the issue of instructions to the Tamil Translator to Govt to assist the Crown Prosecutor in the manner indicated in para 4 of Crown Prosecutor's letter on p 38 C.

As regard (1) it is said

126 ~~126~~ 31

that under para 1 (9) of Annexure IV to G.O. 2306 L(81) d/ 19.9.23 the duty of opposing the petition in the High Court falls to the Crown Prosecutor. An examination of the rules [in Annexure I] relating to the Addl. Publ. the other officer who is likely to be concerned in the conduct of similar cases do not show that the work devolves on him. It is only therefore that as stated by Public on pp 4-5 ante Crown Prosecutor has to conduct the case. T p 7

~~But in view of the importance of the case and the difficulty involved in conducting it, it is decided by Public to obtain the services of any other Govt Law officer. Addl. Special may be asked to conduct it. But the decision on this point rests with Public and their [illegible] will have to settle this [illegible] in advance.~~

(2) As it is declared by the rules to be the duty of Crown Prosecutor to conduct the case he will be entitled to a fee of Rs 30 only. vide para 4 (6) in Annexure IV to G.O. 2306 L(81) d/ 19.9.23. T p 8

The Govt may however, if deemed fit, grant a higher fee to the Crown Prosecutor for conducting the case. In Nilaramis Case

32 127

127

(2) Mr. K. P. M. Menon was granted a fee of Rs 500 as a special case as the case was a protracted one. In Hugonin murder case no addl. fee was considered necessary.

It is for consideration whether any special fee should be allowed in this case as C.S. has noted that it would doubtless be a difficult one and if so whether Rs 1000 or any reduced amt. should be allowed. But this question should I think need not be considered until the case is over this is the usual procedure.

(3) In difficult cases, on the representation of the Crown Prosecutor, it is usual to sanction the assistance of a Junior. The fee of the Junior in such cases is limited to Rs 87-8-0 a day subject to a maximum of Rs 250. Here the Crown Prosecutor recommends a consolidated fee of Rs 350 for the case. It is suggested thereupon that in this case the fee for the Junior may be fixed at a daily rate of Rs 87-8-0 subject to a maximum of Rs 350.

(4) As regards this point necessary instructions may be issued as desired by Public after orders are passed on the several points dealt with by the Crown Prosecutor. Finance has to see.

KRW
25.10.28

[illegible]
25-10-28.

[Margin notes:]
p 1 of G.O. 1380 W / 30-4-27
[illegible]
Rs 30 amt.
G.O. 2584 Lgl / 4.8.28 U
[illegible] G.O. 3211 Lgl / 26.9.28 V
[Stamp:] 25 OCT. 1928
Rs 6.20 [illegible]
33746
Law Rel. [illegible] 5772 B.1 / 25 X .28
Through Law ([illegible])
[illegible] 25 X 28
Confl. S.R.
Fin. [illegible]

125

33 128

(notes from p. 28 ante may be read)

Finance E.R

Finance are Concerned with the payment of a Special fee to the Crown Prosecutor. Law Dept propose to defer the question of payment of Special fee to the Crown Prosecutor. Till the Case is over the payment of Special fee will not arise in his Case.

As regards the payment of fees to the junior, Law point out that a daily fee of Rs 87-8-0 subject to a maximum of Rs 350 may be allowed. But the question of the appointment of a junior to the Crown Prosecutor has not yet been decided by the Public Dept. In Case it is so decided Finance may agree to the fee proposed by Law.

Geo, if a junior is necessary

The Case may be returned to Public.

Thro Accounts

SR
26.10.28

[illegible]
26.10.28

Fin (Accts)

Please see portion A of Public Depti. notes on page 29 ante.

The principle (has been established) that a chain

364 129 129 112

Cf extract from 1922 Delhi conference Proceedings (E)

Cf paras 5 & para 2 & pp 65-66 of 1925 Conference Procgs

Cf f.o. 2145 Lnd 9 D 12-10-28 (H)

should not be raised by the Provincial Govts against the Central Govt and vice-versa, unless the amount involved is substantial. But as ~~bet~~ between Provincial Govts, such a principle has not been established. In individual cases, however, credits and recoveries are foregone, as a reciprocal arrangement.

2 In the present case, there is no reciprocal arrangement to waive the law charges payable by the Burma Government, and from the financial point of view, there is no objection to that Government being asked to bear the charges. They will have to be addressed by ... Dept on the subject.

B
26.11.28

DS.
S.

26.10.28

26 X 28

The C. P. has tried to squeeze Govt. before.

Fin. would oppose any suggestion of a special fee. It is not pretended that the fee, which is based upon the average, fits every case considered alone. But cases should not be considered alone, but in the mass: this is what happens regarding very light cases, for the fee has never been reduced on the ground that it is too high for any particular case. ~~But~~ Until it can be suggested ~~that~~ that the remuneration on the

35 130

which is not adequate for the work which the C.P. does taken as a whole, there is no justification for increasing his remuneration.

E.W.
26.10.28.

[illegible]
26.10.28

[illegible]

ASST. SECY. TO GOVT.
26 OCT. 1928
5/15 P.M.
CHIEF SECY.

Pub. Dept.

Please see the notes on pp 30-35 ante. Law has held that the matter before the High Court falls within the scope of the C.P's duties. He has already been instructed to oppose the applic.

2. The C.P. is to get a fee of Rs 30 only for conducting this case. Fin object to the payment of a special fee.

3. Law & Fin have no objection to the C.P. engaging a junior to assist him. The junior's fee will be Rs 87/8 a day subject to a max. of Rs 350. As the C.P. says the case is a difficult one he may be allowed a junior.

4. A draft memo is subd. with ref to (4) in Law Dept's note on p 32 ante, a para has been added to the draft.

5. The question of addressing Burma Govt in regard to debit of charges may be taken up after the case is over.

[illegible] 27.10.28

x
See Law Dept note [illegible] p 32 [illegible]

That being so, no [illegible] for [illegible]

&
See memo p 36 [illegible]

27/10 [illegible]

B
See (2) in [illegible] [illegible] on p 31 ante

See Fin Dy Secy's [illegible]

L
See (3) in Law Dept's [illegible] on p 32 & Fin [illegible] note on p 33 ante

[illegible]

para 5 p 35 [illegible]

[illegible]
[illegible]
[illegible] of [illegible]

[illegible]
27/10

CS
CS

PA 2 [illegible] [illegible] note [illegible] p 36 ante

CS

x
[illegible].10.28

36 131 131

C Issued as Memo No 3758-7 Pub Q27 ...

CNo 4012 From the Crown Prosecutor Q 29.10.28.

113

The letter from the Crown Prosecutor on p 41 CF is subd for perusal. It has reference to his claim for a special f... No action is called for on that letter.

The file will be circulated as directed on p 35 ante on H.M. C's return from tour.

Law sldsee.

para 1 on p 37 and para 9, p 39 CF

[stamp] 30 OCT 1928

[stamp] UNDER SECRETARY 30 OCT 1928 CHIEF SECRETARIAT

JK 30.10.28

CS.

my 30.10.28

[initials] 30/10

Pub No 3758-8 - Law
30-10-28

Law (Leg) Dept

US

Please see this Dept note on pp 31-32 ante and the Secy's orders there. No further remarks are called for in this Department.

[stamp] 30 OCT 1928

U.O. 5268 B
30.X.28

[initials] 30.10.28

[initials] 31-10-28

Law (Gl) - 5268 B.1
31.X.28

(Law Off Cochin)

[initials] 31/10

Public Dept

p 42 CF CNo 4052 From the Crown Prosecutor Q 31.10.2...

p 43 CF CNo 4053 From Law (Leg) Dept, Memo No 3250 d Q 30...

132

37.132

The Crown Prosecutor has reported adjournment of the Case. See his letter on p 42 CF. No action is necessary.

5
2.11.28

2. Law Dept have placed ^x^ the services of the Tamil Translator at the disposal of the Crown Prosecutor with reference to paras 4 + 10 of the latter's letter on pp 38-39 CF.

^x^ See Memo on p 43 CF

3. The question of special fee to the Crown Prosecutor has to be decided. See para 3 of the Memo on p 40 CF. The Crown Prosecutor's reasons for claiming a special fee are set out in his letters on pp 37-39 and 41 CF. The notes on pp 28-35 ante bear on this point. The file may be circulated to HMs C4 and C3 for orders.

UNDER SECRETARY
9. NOV. 1928
CHIEF SECRETARIAT

MY 1.11.28 HCL

K
.10.28

CS

C4

C3

As C.S. says, the case is a difficult one. It is also sensational. Whether it falls within the duties of the C.P. or not, a special fee of Rs 1000 has to be sanctioned to him. A fee of Rs 87-8-0 per day subject to a maximum of Rs 350 has also to be allowed to his junior.

The question of claiming the amount from the Burma Govt., I leave to Hon. Col. C3. If I may express an opinion, I may state that we need not claim the amount, seeing that it is comparatively a small one.

AKr
4.11.28

CHIEF SECRETARY,
6 - NOV. 1928
GOVT. OF MADRAS.

TeH
5/11/28

UNDER SECRETARY
6 - NOV. 1928
CHIEF SECRETARIAT

133 133

Draft Memo submitted. May issue with the concurrence of Law and Finance.

114

2K 7-11-28

[initials] 7.11.28

Law

Fin

U.O. No. 3758-9 Public

7-11-28

7 NOV 1928

Law (Edn) Dept.

US

Please see H.M.C's orders on p 37 ante. The file may be perused and passed on to Finance.

[initials] 8-11-28

O 5458 B

7-11-28

Law (Edn) No 5458 B-1

8-11-28

(Confl)

KRW 7-11-28

[initials] 7-11-28

[initials] 8/11/28

Finance

8 NOV 1928 FINANCE DEPT.

Finance ER

Previous Finance notes on pp 33-35 ante. The draft memo. may be perused and the case returned to Pub.

[initials] 8/11/28

[initials] 8-11-28

VK

ER/Pub

p. 37 ante

Follows H.M. C's orders as accepted by H.M.

35774 ER

8-11-28

[initials] 9-11-28

Thro' Secy

[initials] 8-11-28

Pub. Public Dept.

The draft may now issue. ~~Thro Secy~~

2. The linked file may now be returned to Law (Edn). They have asked for it.

3. After issue of Memo the file may go to Finance for perusal of H.M. C's note

[initials] 9-11-28

ASST. SECY. TO GOVT. 9 NOV. 1928 CHIEF SECT.

C.O. No. 4176/28

9-11-28

Fin U.O 35774 ER-1

9-11-28

[illegible] in a separate note

134

39 134

at A on p 37 ante - See Fin Depts note at B on p 34 ante.

ZK
9.11.28

[illegible] 10.11.28

CC

[illegible]

UNDER SECRETARY 10 NOV. 1928 CHIEF SECRETARIAT

(Issued as Memo No. 3758-II Public dt. 10-11-28).

[illegible] Memo [illegible]
Finance [illegible]
no. No. 3758-[illegible]
14.11[illegible]

[illegible]

Fin (Accts)

May be perused & returned to the Public Dept

[illegible]
15.11.28

[illegible]
15.11.28.

Public u/o

[illegible] NOV. 1928 FINANCE [illegible]

(This [illegible] seen [illegible])

36462

Pub Dept Fin. u.o. 36462 Accts - [illegible] 11.28

ASST. SECY. TO GOVT. 19 NOV. 1928 CHIEF SECT.

No action at present. The decision of the High Court may be awaited. Please see Crown Prosecutor's letter at p 42 CF.

ZK
19.11.28

[illegible] 19.11.28

C No. 4519. From the High Court, CRP No 844/28 d/4-12-28.

p 45 CF

~~The petitioner having applied to the Court for permission to withdraw the petition,~~ ~~it has~~ the ~~been~~

40 135 135

Order in Council. 8. 12. 28

The Government of Burma will be asked 115 to cancel their notification.

A.D.
8.12.28

UNDER SECRETARY
8 DEC. 1928
CHIEF SECRETARIAT

The above order was passed after discussion in Cabinet.

A.D.
8-12-28

P.P. 47-49 of C. No. 4613. From the Crown Prosecutor, Madras, D. No. 126 of 1928 dated 10-12-1928.

Chief Secretary.

136

116

pp 5-6 of G.O. 972 Pub 1-11-28

pp 12-39 of G.O. ibid + p 38 ibid

pp 38-39 ibid

+ pp 2-3 of G.O. 739 Pub 3-9-28

p1 of G.O. ibid.

p45 of

The letter to the Burma Government regarding the cancellation of the notification about Bharathi Songs may be on the following lines:

These songs have been in use in the Tamil speaking portion of this Presidency for about quarter of a century. Neither the Government nor any other person has raised any objection to the singing of these songs during this period. When, in consequence of the republication of the Burma notification in the local Government Gazette, the Police ~~xxx~~ seized the books containing these songs, an adjournment motion ~~xx~~ was moved in the local Legislative Council. Every section of the House condemned, during the course of the debate on that motion, the action of this Government in seizing the books. The motion was pressed to a division and practically everybody except the nominated officials and the Government Members voted in favour of the adjournment motion. The feeling in this Presidency against the notification is very strong. The particular songs on which the Burma Government based their notification cannot be said to contain anything which can be regarded as distinctly seditious. At every sitting of the Legislative Council subsequent to the publication of the notification in the Fort St. George Gazette this Government are being questioned regarding their action in the matter of these songs. This Government is of the opinion that the notification of the Burma Government should be cancelled. The fact that the persons who presented the petition to the High Court withdrew the petition should not be regarded as a circumstance for continuing the notification. Many of these songs are sung by the people and it is not possible by a notification like the one in question to prevent them from singing these songs. The letter may wind up with

137 ~~537~~ 642

-2-

a request to the Burma Government to cancel the notification.

Please let me see the draft of the letter to the Government of Burma.

M.G.R.
12-12-28.

CHIEF SECRETARY
12 DEC. 1928
GOVT. OF MADRAS

43. 138 138

Public Department.

1/14-12

117

Please see the order of the High Court at pages 45 c.f. and the decision in Cabinet at page 40 ante. A draft letter to the Government of Burma on the lines indicated by H.M.C.4 at pages 41-42 ante is submitted for approval.

2. The Crown Prosecutor's request contained in para 2 of his letter at pages ~~43-44~~ 47-48 c.f. for sanctioning a fee of Rs.500 for himself and Rs.100 for his junior in connection with the application in question will be taken up after issue of the letter to Burma Government.

3. With regard to the Crown Prosecutor's observations contained in para 3 of his letter at pages ~~47-48~~ 48-49 c.f. about the ~~objectionable~~ passages which he considers objectionable in the book, it is submitted that no action appears to be necessary in view of the decision in the Cabinet to address the Burma Government to cancel their notification.

12-12-28. C.S. 13-12-28

14/12/28 13-12-28

C2

C4 14-12-28.

H.E. (on return) as amended. 17-XII-28

(Letter No. 3758-13 dated 19-12-28)

CHIEF SECRETARIAT 18 DEC, 1928 GOVT. OF MADRAS

44 139 134 118

Police C 4686

Charattis songs - seized copies - return

9/4.1.29

No order was given to the police to return the copies seized. C.S. has suggested that such an order may now be issued.

For orders. (The letter to Burma is in O.C.)

14.12.28

C.S.

(Please see the C.G. Public file on the subject - linked for reference only)

14-12

C4 ... This may lie over till reply from the Burma is received. 20-12-28

20/12/28

CHIEF SECRETARY 20 DEC. 1928 GOVT. OF MADRAS

20 DEC 1928

Telegram from the Govt. of Burma, No. C-28 d. 31-12-1928.

The Burma Government have replied that orders cancelling the forfeiture notification will issue in the Burma Gazette of the 5th January 1929. This when received will be republished in the Fort St. George Gazette.

2. Please see U.S.' note at page 44 ante and H.M.C.4's orders on it. The Police may now be asked to return the copies seized. Draft Memo is submitted.

UNDER SECRETARY 7 JAN. 1929 SECRETARIAT

4.1.5-6 ... 1-11-28

Draft approved 3.1.29

Yes: draft approved 5-1-29 C4

4.1.29

140 140 [illegible]

(Memo to the D. I. G. of Police, Eastern Range, Rys. & C.I.D. Madras, and the Commr. of Police, No. 3758/28-14, dated 7-1-1928.

C. No. 251. From the Commr. of Police, Madras, No. 57/2D/29 dated 17-1-1929.

From the Govt. of Burma, No.289C/28 dated 12-1-29.

No action is necessary on the Commrs.'s [le]tter on page 66 c.f.

The Burma Govt.'s notification on page 67 c.f. [i]s to be republished in the Fort St.George Gazette. [Dr]aft submitted.

22-1-29

22.1.29

(Go. No. 83 Pub dated 25-1-29)

G.O.Ms. II-5 (J)—12,004—6-11-28

9/761

PUBLIC DEPARTMENT

119

	Date.	Initials.
When received for Fair-copying.		
When copied	26/1	
When examined	28/1	
When signed		
When despatched		

Books and publications.

Tamil booklet entitled "The National Songs, Parts I and II" by C.Subrahmanya Bharathi - Forfeiture - Cancellation of orders - Burma Government's notification republished.

READ AGAIN G.O. No. ...., dated .... 192 .

" " " " .... " .... 192 .

READ ALSO :—

C. No. .... From the Govt. of Burma, No. 289C28, dated 12-1-1929

" " .... " " .... " .... " 192

" " .... " " .... " .... " 192

ORDER No. 83, dated 25-1-1929.

Mis.

The following notification of the Government of Burma will be republished in the Fort St.George Gazette:-

Notification

(Here enter notification on ~~p.67 c.~~ page 103 ante)

To the Supdt.,Govt.Press,Madras, for republication in the Fort St.George Gazette.

,, the D.I.G. of Police, Eastern Range, Rys., and C.I.D., Madras.

LG42087
12.10.28.

Special. Public Department.

U.O.Note No.3758-1 dated the 12th October 1928. 120

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C_4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

LGW042087A-1
12.10.28

Land Revenue Dept. (Reg)

The Public dept. may be informed u.o. that there are no papers in this dept. relating to the above.

Recd at 4.30 P.M

12.10.28

12.X.28

Recorded 15.5.31

ASST. SECRETARY TO GOVT. 12 OCT 1928 REVENUE DEPARTMENT

8 143 143 Rev 3624 C
Ap 12.10.28

121

Special. Public Department.

U.O.Note No.3758-1 dated the 12th October 1928.

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C_4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

Through all sections

Rev. Dept

nil in E, D, B, F

To Under Secy,

The Public Dept may be informed that there are no papers on the subject in Rev.

DRN
12/10/28

ASST. SECY. TO GOVT. 12 OCT. 1928 CHIEF SECT.

Public.

Rev no 3624 C P.O.
12-10-28.

9

Special. Public Department.

U.O.Note No.3758-1 dated the 12th October 1928. 122

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C.4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

ASST. SECY. TO GOVT. 12 OCT. 1928 CHIEF SECT.

CURRENT NO. 2338 PUBLIC X.

Pub(X) Dept

There are no papers in this Dept.

(RO)

[signature]

12.10.28.

Pub(SC) U.O.

U.O. 2338-1 / 12/10/28

~~10~~ 164

Public Department

U.O.Note No.3758-1 dated the 12th October 1928.

Books and publications - Subrahmanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II Forfeiture - Application under Section 99B Criminal Procedure Code.

123

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under section 99A issued by the Govt. of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C.4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send at once to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.C.S.
12-10-1928

To all Department of the Secretariat (all sections)

Finance Department.
(all sections)

There are no papers in this Department relating to Subramanya Bharathi's Tamil booklet referred to above. Public may be informed accordingly.

Public u/o

V.S.L.
13.X.28

12.X.28

Special

Fin. O.P. 32114-1
15/X/28

H 145

Special. Public Department.

U.O.Note No.3758-1 dated the 12th October 1928. 124

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C.4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

ASST. SECY. TO GOVT.
12 OCT. 1928
2029
CHIEF SECT.

Public (S) Dept.

There are no papers on the subject here. Submitted that the Public (Genl) dept may be informed accordingly

[signature]
13/10/28

KB
12.10.28

Pub (Genl)

146

12

Jud 4213

* Special. Public Department.

125

U.O.Note No.3758-1 dated the 12th October 1928.

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C_4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

ASST. SECY. TO CHIEF SECT. 12 OCT. 1928

Judl Depts.

There are no papers of the nature referred to above in this Depts. Public may be informed accordingly.

[illegible] 15.10.28

Jud 4213/15.10.

[illegible] 12/10/28.

[illegible] 12/10

[illegible] 12/10

[illegible] 12/10

13 Dev. 1497 Cl
12/10/28

126

Public Department.

Special.

U.O.Note No.3750-1 dated the 12th October 1928.

Books and publications- Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C. has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

Devt. Dept.

To A.S.

There are no papers on the subject in this Dept. Public may be informed accordingly.

RR
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Dev. No. 1497-Cl/28-1
15-10-28

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15-10.28

Public cis

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127

Special. Public Department.

17450E

U.O.Note No.6758-1 dated the 12th October 1928.

Books and publications- Subramanya Bharathi's Tamil booklet entitled "National Songs, Parts I & II- Forfeiture- Application under Section 99 B Criminal Procedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.G$_4$ has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce to this Department any paper they have on the subject together with a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

Special 4 30am
12/10.

P.W. & L. Dept.

There are no papers on the above subject in this Deptt. Public may be informed accordingly.

12-10-28

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Public (20)

P.W. and L. U.O. 17450E/281
15-10.28

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[...]TICAL

Public Department.

[N]o.3758-1 da[t]ed the 12th October 1928.

128

[...] and publications- Subramanya Bharathi's Tamil [book]let entitled 'National Songs, Parts I & II- [For]feiture- Application under Section 99 B Criminal [P]rocedure Code.

In connection with an application under Section 99 B Criminal Procedure Code filed in the High Court of Madras by the Superintendent of the Hindi Prachar Press of Triplicane, against an order of forfeiture under Section 99 A issued by the Government of Burma in respect of Subramanya Bharathi's Tamil booklet entitled 'National Songs, Parts I & II', H.M.C.4 has asked that all papers relating to that publication available in all sections of the Secretariat should be collected. Departments of the Secretariat may be requested to send atonce [to] this Department any paper they have on the subject together [wi]th a short note setting out the present stage of each paper.

H.G.S.
12-10-1928

To all Departments of the Secretariat (all sections)

SECY. TO GO. 12 OCT. 1928 CHIEF SECT.

Political dept.

Submitted that there are no papers on the subject in this department.

Public may be informed accordingly.

[illegible] 15.10.28

[...] Section

[illegible] 12/10

M 19/10/28

[illegible]

Public [illegible]

15/10 1928.